

Exhibit 34

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MARYLAND

3 NO. 1:19-CV-01853-SAG

4
5 BETHEL MINISTRIES, INC.,

6 Plaintiff

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8 V.

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10 DR. KAREN B. SALMON, ET AL.,

11 Defendants

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20 DEPONENT: Claire Dant

21 DATE: March 31, 2021

22 REPORTER: Brooke Andrew

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4 OFFICIAL CAPACITY AS STATE SUPERINTENDENT, MATTHEW
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6 BOOST ADVISORY BOARD, MARVA JO CAMP, LINDA EBERHART,
7 NANCY GRASMICH, ELIZABETH GREEN, BETH HARBINSON, A.
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21 Also Present: Adam Schuman, Planet Depos Remote

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| | | |
|----|---|------|
| 1 | INDEX | |
| 2 | | Page |
| 3 | PROCEEDINGS | 8 |
| 4 | DIRECT EXAMINATION BY MR. SCOTT | 10 |
| 5 | CROSS EXAMINATION BY MR. TUCKER | 144 |
| 6 | | |
| 7 | EXHIBITS | |
| 8 | Exhibit | Page |
| 9 | 1 - Notice of Deposition | 13 |
| 10 | 2 - Bethel Christian Academy Handbook | 24 |
| 11 | 3 - Bethel Christian Academy Brochure | 37 |
| 12 | 4 - Bethel Christian Academy Pre-Enrollment | 41 |
| 13 | Parent Interview | |
| 14 | 5 - Bethel Christian Academy Admissions | 46 |
| 15 | Records | |
| 16 | 6 - Bethel Christian Academy Student | 99 |
| 17 | Disciplinary Records - January 2015 - | |
| 18 | April 2018 | |
| 19 | 6a - Bethel Christian Academy Behavior Report | 102 |
| 20 | - April 13, 2018 | |
| 21 | 7 - Complaint | 123 |
| 22 | 8 - May 11, 2017 Email | 82 |

| | | |
|----|--|------|
| 1 | EXHIBITS (CONTINUED) | |
| 2 | Exhibit | |
| 3 | 9 - October 13, 2017 Letter from Matthew | 85 |
| 4 | Gallagher | |
| 5 | | Page |
| 6 | 9a - Correspondence Re: Handbook Review | 86 |
| 7 | 10 - March 5, 2018 Letter from Monica Kerns | 88 |
| 8 | to Claire Dant | |
| 9 | 11 - March 13, 2018 Email and Attachment | 92 |
| 10 | from Claire Dant To Monica Kearns | |
| 11 | 12 - April 26, 2018 Email Thread Between | 94 |
| 12 | Claire Dant And Monica Kearns | |
| 13 | 13 - May 2, 2018 Email from Claire Dant To | 95 |
| 14 | Monica Kearns | |
| 15 | 14 - Statement to The Boost Advisory Board | 96 |
| 16 | by Claire M. Dant On Behalf of | |
| 17 | Bethel Christian Academy | |
| 18 | 15 - May 25, 2018 Letter from Monica Kearns | 96 |
| 19 | To Claire Dant | |
| 20 | 16 - May 29, 2018 Letter from Claire Dant to | 96 |
| 21 | Monica Kearns and The Boost Board | |
| 22 | 17 - August 8, 2018 Letter from Matt | 97 |
| | Gallagher to Claire Dant | |

| | | |
|----|---|-----|
| 1 | EXHIBITS (CONTINUED) | |
| 2 | Exhibit | |
| 3 | 19 - May 24, 2019 Email Thread Between | 110 |
| 4 | Claire Dant And Donna Gunning | |
| 5 | 20a - February 28, 2019 Letter from Donna | 106 |
| 6 | Gunning to Claire Dant | |
| 7 | 21 - April 24, 2020 Letter from Donna | 112 |
| 8 | Gunning to Claire Dant | |
| 9 | 21a - Corrected April 24, 2020 Letter from | 114 |
| 10 | Donna Gunning to Claire Dant | |
| 11 | 22 - Aid to Non-Public Schools Program | 118 |
| 12 | FiscalYear 2020 Program Assurances | |
| 13 | 23 - Declaration of Claire Dent in Support | 128 |
| 14 | of Plaintiff's Motion for Preliminary | |
| 15 | Injunction | |
| 16 | 26 - Claire Dant Letter to Washington Post | 139 |
| 17 | 27 - Claire Dant Letter to Baltimore Sun | 140 |
| 18 | 28 - September 24, 2019 Email Thread Claire | 141 |
| 19 | Dant And Bethel Christian Academy | |
| 20 | Families | |
| 21 | | |
| 22 | | |

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STIPULATION

The deposition of CLAIRE DANT was taken via
videoconference in which all participants attended
remotely, on WEDNESDAY, the 31ST day of MARCH, 2021 at
approximately 9:57 a.m.; said deposition was taken
pursuant to RULES 30 AND 26 OF THE FEDERAL Rules of
Civil Procedure. THE OATH IN THIS MATTER WAS
ADMINISTERED REMOTELY PURSUANT TO MD EXEC ORDER NO.
20-03-30-04.

It is agreed that BROOKE ANDREW, being a Notary Public
and Court Reporter, may swear the witness.

1 PROCEEDINGS

2

3 COURT REPORTER: We're on the record.

4 VIDEOGRAPHER: Okay. Stand by. Thank you to
5 everyone for attending this proceeding remotely,
6 which we anticipate will run smoothly. Please
7 remember to speak slowly and do your best not to
8 talk over one another. Please be aware that we are
9 recording this proceeding for backup purposes. Any
10 off the record discussions should be had away from
11 the computer. Please remember to mute your mic for
12 those conversations. Please have your video enabled
13 to help the reporter identify who is speaking. If
14 you are unable to connect with video and are
15 connecting via phone, please identify yourself each
16 time before speaking. We'll provide a complementary
17 unedited recording of this deposition with the
18 purchase of a transcript. I apologize in advance
19 for any technical- related interruptions. Thank
20 you.

21 COURT REPORTER: Will all parties except for
22 the witness, please state your appearance, how you

1 are attending, and your location?

2 MR. SCOTT: This is Robert Scott, I am
3 representing the defendants in this case. I'm
4 appearing from my home in Catonsville, Maryland over
5 video.

6 MR. TUCKER: Hello, this is Ryan Tucker, I'm
7 counsel for the plaintiff, the witness here today.

8 MR. SCHMITT: I'm Paul Schmitt, I'm also here
9 representing the plaintiff.

10 MR. TUCKER: And Paul and I are both in
11 Washington DC.

12 MR. FINE: Justin Fine, attorney for the
13 defendants, appearing from Baltimore, Maryland.

14 COURT REPORTER: Okay. Ms. Dant, will you
15 please state your full name for the record?

16 THE WITNESS: Claire Dant.

17 COURT REPORTER: Now, Ms. Dant, can you please
18 hold up a photo ID to the camera?

19 THE WITNESS: I don't have it with me, it's in
20 my purse in another room. Do we need to go get it?

21 COURT REPORTER: If I can get the attorneys to
22 agree that you are who you say you are, we can move

1 forward.

2 MR. SCOTT: That's fine.

3 MR. TUCKER: I affirmatively state that this is
4 Claire Dant.

5 COURT REPORTER: Okay.

6 MR. SCOTT: That's satisfactory to me.

7 COURT REPORTER: All attorneys agree? Thank
8 you. Ms. Dant, will you please raise your right
9 hand? Okay. Do you solemnly swear or affirm that
10 the testimony you're about to give will be the
11 truth, the whole truth, and nothing but the truth?

12 THE WITNESS: Yes. I do.

13 COURT REPORTER: Thank you. You may begin.

14 DIRECT EXAMINATION

15 BY MR. SCOTT:

16 Q Good morning, Ms. Dant. My name is Robert
17 Scott, I'm an assistant attorney general for the State
18 of Maryland and I represent the defendants in a case
19 that we're here about today that's been brought by
20 Bethel Ministries, Inc. against several state officials,
21 including members of the BOOST Advisory Board. We're
22 here today to take your deposition in that case. We are

1 doing this over video link, which is less than ideal.
2 Usually these proceedings take place in a conference
3 room where we can all sit around a table and conduct the
4 deposition. So to the extent this is a little awkward
5 and inconvenient, I apologize for that, but it's just
6 the way things are these days. Have you ever been
7 deposed before?

8 A No.

9 Q Okay. I'm sure your able attorneys have
10 explained the process to you, but I'm just going to give
11 you a few reminders about the process so that it can go
12 smoothly. You've been placed under oath by the court
13 reporter. I'm going to be asking you questions, you're
14 going to be answering those questions under oath. You're
15 under an obligation to give truthful answers to all of
16 my questions. It's important since the court reporter
17 is taking down everything that I say and everything that
18 you say, that we try not to talk at the same time.
19 Frequently, in everyday conversation, you may --
20 somebody may start to ask you a question and you think
21 you know what they're going to ask, and then you start
22 to answer before the person finishes their question, and

1 we want to avoid that here because it's going to make it
2 very difficult for the court reporter to get down a
3 clear transcript of what everybody's saying. So I'm
4 going to do my best to make sure you're completely
5 finished with your answer to my question before I start
6 to ask you another question. And if you could be so
7 kind as to permit me to finish each question completely
8 to the end before you start to respond, it'll make it
9 easier for the court reporter to get everything down
10 correctly, okay?

11 A Yes.

12 Q Another one of the ground rules is you have to
13 give a verbal answer to the question. You know, some
14 verbal statement shaking your head, or nodding your
15 head, or "uh-huh," or "uh-huh," or grunting are not
16 sufficient. You have to give some affirmative
17 statement. If I ask you a question that is not clear to
18 you or you don't understand, please let me know and I
19 will rephrase the question for you, okay?

20 A Yes. Thank you.

21 Q If you need to do -- if you need to take a
22 break at any time, you know, let us know and we can

1 arrange to do that. You're here today, I want -- let me
2 ask the court reporter to show you what will be marked
3 as deposition Exhibit 1.

4 (EXHIBIT 1 MARKED FOR IDENTIFICATION)

5 VIDEOGRAPHER: Stand by, sharing now.

6 Q So this is a copy of the notice for today's
7 deposition and you're here today initially in a -- in
8 capacity as an organizational dep -- organizational
9 designee, excuse me, for the Plaintiff in this case,
10 Bethel Ministries, Inc. And the notice on page 4
11 includes, and which continues onto page 5, includes a
12 list of subject matters on which we'd asked Bethel to
13 provide a designee. And I just want to confirm that
14 you're here today to testify as to all of the topics on
15 this notice; is that correct?

16 A Yes. It is.

17 Q Okay. Thank you. What did you do to prepare
18 for today's deposition?

19 A I read over documents and met with my
20 attorneys.

21 Q What documents did you review?

22 A Pretty much all of the documents that we had

1 produced in regard to the case.

2 Q The documents that were produced in discovery
3 in the case, did you review anything else?

4 A No, sir.

5 Q And other than your attorneys, did you talk to
6 anyone about the dep in -- in preparing for your
7 deposition?

8 A No, sir.

9 Q And how long would you say you spent preparing
10 for today's deposition?

11 A Several meetings. Three or four.

12 Q Would you say you spent more than five hours
13 preparing?

14 A Probably.

15 Q More than ten?

16 A Probably not.

17 Q So somewhere between five and ten hours?

18 A Yes.

19 Q Okay. How long have you worked at Bethel
20 Christian Academy?

21 A This is my 20th year.

22 Q And you're the principal; is that correct?

1 A Yes, sir.

2 Q And have you been the principal the entire
3 time you've worked there?

4 A No.

5 Q What other positions have you held?

6 A Assistant principal and teaching staff.

7 Q Did you start as a teacher?

8 A Yes.

9 Q And then when did you become assistant
10 principal?

11 A In 2003.

12 Q And when did you become principal?

13 A In 2016.

14 Q And who do you report to?

15 A Dr. John Green and the church board.

16 Q And what is Mr. Green's position?

17 A He is the lead pastor.

18 Q Is there a distinction between Bethel
19 Ministries Inc and Bethel Christian Academy and if so
20 what is it?

21 A I'm not sure I understand what you mean by
22 distinction.

1 Q Well, there's a -- the Plaintiff in the case
2 is Bethel Ministries Inc; what is that?

3 A That's the church ministry.

4 Q And when we were -- and Bethel Christian
5 Academy than would be the school that's operated by the
6 ministry; is that correct?

7 A Yes.

8 Q And you said that you report to Mr. Green, the
9 lead pastor, and then also a board; is that right?

10 A Yes, sir.

11 Q And how many people are on that board?

12 A Honestly, I don't know precisely, it's like
13 half a dozen.

14 Q And how often do you deal with the board?

15 A Not very frequently.

16 Q Does Pastor Green have any role with respect
17 to the operation of the school?

18 A No.

19 Q What is your educational background?

20 A You mean what is my highest level of degree?

21 Q Sure.

22 A I have a master's degree in Curriculum and

1 Instruction.

2 Q From where?

3 A The University of Scranton.

4 Q And what year did you get that?

5 A Oh my goodness. I don't remember. It's on a
6 certificate on my wall.

7 Q Okay. You have a bachelor's degree as well?

8 A I do.

9 Q From where?

10 A It was called Columbia Union College, now
11 Adventist University.

12 Q Where's that?

13 A In Takoma Park, Maryland.

14 Q And what year did you get your bachelor's
15 degree?

16 A I also don't remember precisely, it was at
17 early 2000s.

18 Q And what was your degree in your bachelor's?

19 A Elementary Education.

20 Q Do you have any other degrees?

21 A I'm sorry, you broke up.

22 Q I'm sorry. Do you have any other degrees?

1 A No, sir.

2 Q And where -- have you held any other
3 professional positions other than working at Bethel?

4 A I'm not sure what you mean by professional
5 positions, I have taught elsewhere.

6 Q Okay. Where?

7 A A school called Providence Christian School.

8 Q And how -- when did you teach there?

9 A In the late 1990s.

10 Q For how long?

11 A One year.

12 Q Have you had any other teaching positions?

13 A No.

14 Q How long has Bethel Christian Academy been in
15 operation?

16 A Since 1984.

17 Q And my understanding there's a kindergarten
18 through eighth grade; is that correct?

19 A No. Preschool through eighth grade.

20 Q And what age does preschool begin?

21 A Three.

22 Q And how many students attend Bethel?

1 A This year, approximately 160.

2 Q And it's co-ed; is that correct?

3 A Yes, sir.

4 Q And how many teachers are employed by the
5 school?

6 A 20-some.

7 Q And how many employees does the school have,
8 including teachers?

9 A 30-some.

10 Q And where is the school located?

11 A In Savage, Maryland.

12 Q How many buildings does the school cons --
13 does the school operate?

14 A Two.

15 Q And does Bethel pay any property taxes on
16 either of those buildings?

17 A I have no idea.

18 Q Are the buildings owned by the ministry or by
19 the school?

20 A By the ministry.

21 Q Who is in charge of the finances for the
22 school?

1 A That would be Dr. Green and the finance board.

2 Q So I take it from your answer about the
3 property taxes that you don't have any role with respect
4 to the finances; is that correct?

5 A That is correct.

6 Q So you don't know what sources of funding the
7 school has; is that correct?

8 MR. TUCKER: Objection to form.

9 Q Let me rephrase that --

10 A I'm not sure exactly what you're asking.

11 Q Let me rephrase that question. Do you know
12 what sources of funding the school has?

13 A To some degree, yes.

14 Q And can you ex -- tell me what it is -- what
15 they are?

16 A Tuition, hot lunch, extended care fees.

17 Q Does the school receive any subsidy from any
18 outside sources?

19 A Such as what type of outside sources?

20 Q Organizations, government organizations,
21 government agencies, non-governmental organizations,
22 religious organizations.

1 A We do receive title funding -- title grant
2 funding from the Title I, II programs.

3 Q Are those federal or state funds?

4 A Those are federal.

5 Q What about non-governmental sources? Does it
6 receive any subsidies from non-governmental sources?

7 A No.

8 Q And do you know how much approximately the
9 school receives each year in the Title I and Title II
10 grants?

11 MR. TUCKER: Hey Rob, is this part of the
12 corporate rep topics?

13 MR. SCOTT: I believe that we included the
14 subject for all allegations in the complaint, but
15 I'm just trying -- I'm just trying to get some
16 background information about the school.

17 MR. TUCKER: Yeah. Yeah. I mean, that's fine.
18 I just wanted to object to the scope on these
19 questions because it seems to me like it's a little
20 bit outside that.

21 MR. SCOTT: Okay.

22 BY MR. SCOTT:

1 Q Do you know the answer?

2 A Not precisely, no.

3 Q Do you know roughly?

4 MR. TUCKER: Objection to form.

5 A Yeah. I'm not entirely sure. Are you asking
6 about a particular title program?

7 Q I'm just trying to get a sense of how much the
8 school receives on an annual basis for -- through these
9 government programs.

10 A Less than \$10,000.

11 Q Who makes decisions about how the school is
12 operated?

13 A In what respect?

14 Q Well, how about -- let's start with policies
15 and procedures for operating the school. Who decides
16 that?

17 A Different people are involved in different
18 aspects of decision-making.

19 Q Okay. We -- the school has a handbook, right?

20 A Yes, sir.

21 Q Okay. Who is responsible for the policies
22 that are in the handbook? Who makes those policies?

1 A Primarily me.

2 Q Who else is involved in that?

3 A I have an assistant principal who I discuss
4 things with at times. And, Dr. Green may -- may also
5 enter into a discussion.

6 Q And who is the assistant principal?

7 A Brenonda Jackson-Gray.

8 Q I didn't get the first name. I'm sorry.

9 A It's Brenonda.

10 Q And how long has she worked as assistant
11 principal there?

12 A She became assistant principal before I was
13 principal. So probably a year longer than I've been
14 principal.

15 Q Who at the school makes decisions about
16 student admissions?

17 A Primarily me or Mrs. Gray may.

18 Q Mrs. Gray May? Who is that?

19 A Yes. Sorry. Jackson-Gray.

20 Q Oh, okay. The assistant principal?

21 A Yes.

22 Q Let me -- let's move on to Exhibit 2, which is

1 the handbook.

2 (EXHIBIT 2 MARKED FOR IDENTIFICATION)

3 VIDEOGRAPHER: Stand by. Sharing now.

4 Q Okay. Thank you. Ms. Dant, I have marked as
5 Exhibit 2 a copy of the handbook that was attached to
6 the lawsuit in this case. This is dated 27, 2018. I
7 understand from your testimony that you are the person
8 who is primarily responsible for creating this document;
9 is that correct?

10 A That is correct.

11 Q Okay. And do you consult with anyone else
12 about the policies and procedures that are set forth in
13 this handbook when you want to, say, make changes to
14 them?

15 A As stated, yes.

16 Q And that would be Pastor Green; is that right?

17 A Yes.

18 Q And the assistant principal?

19 A Yes.

20 Q Anybody else?

21 A No.

22 Q So this isn't something that you would deal

1 with the board on?

2 A No.

3 Q When you took over as principal, was there a
4 version of this handbook already in effect?

5 A Yes.

6 Q And so that would have been in -- you said
7 2016 was when you took over as principal; is that
8 correct?

9 A Yes.

10 Q All right. And do you know who prepared the
11 versions that were in effect before you became
12 principal?

13 A That would be me.

14 Q Okay. And you did that in your role as
15 assistant principal; is that right?

16 A Yes.

17 Q Okay. And was there a handbook in place
18 before you became assistant principal?

19 A I'm sure there was.

20 Q You're not -- did -- do you have any
21 recollection of that?

22 A I've been do -- I've been doing it for a very

1 long time.

2 Q I'm just trying to -- I'm just trying to
3 understand whether when you first started becoming
4 involved with this handbook, did you create -- was it
5 created from scratch by you or did you have something to
6 start with?

7 A I'm sure I had something to start with, as I
8 recall.

9 Q Okay. And what's the purpose of this
10 document?

11 A To provide clear information regarding our
12 policies and procedures.

13 Q And how often is it revised?

14 A Every year.

15 Q And that would be a process that involves you,
16 Pastor Green, and the assistant principal; is that
17 right?

18 A Yes.

19 Q Who at the school makes decisions about
20 student discipline?

21 A What type of decisions are you referring to?

22 Q Well, let's start with the policy. There are

1 some policies in this handbook about student discipline,
2 correct?

3 A Yes.

4 Q Those were developed by you in consultation
5 with Pastor Green and the assistant principal; is that
6 right?

7 A Mostly with me and the assistant principal.
8 Pastor Green didn't really get too involved in that.

9 Q Okay. When it comes to making in -- decisions
10 about individuals students in particular circumstances,
11 who decides whether discipline is appropriate?

12 A It depends on the behavioral circumstance, the
13 offense.

14 Q Okay. Can you explain that a little further?

15 A If a student is being disciplined for being
16 disruptive in class, that doesn't require any
17 consultation. If a student hits another student, that
18 may require some consultation.

19 Q And when you say consultation, you mean
20 consultation by the staff member who witnessed the
21 incident with you or with somebody else?

22 A Yes.

1 Q And would you be primarily the person who they
2 would consult with about things like that?

3 A Yes. It could be Mrs. Jackson-Gray.

4 Q Okay. So if a staff member sees something
5 that he or she believes may require discipline and it's
6 a seri -- and they believe it's serious enough to
7 warrant it, they can consult with either you or the
8 assistant principal about what to do; is that fair?

9 A Yes.

10 Q So a teacher or another staff member, do they
11 have the authority to suspend a student without talking
12 to you or the assistant principal?

13 MR. TUCKER: Objection to form.

14 A I'm not sure what you mean. Are you asking
15 about a blanket authority?

16 Q I'm wondering if there is a level of sanction
17 that a teacher -- if there's a limit to what they can do
18 to discipline student without talking to you or the
19 assistant principal?

20 A Yes.

21 Q Okay. And what is that limit? What is the
22 limit of their authority, what they can do before they

1 need to come and talk to you or the assistant principal?

2 A Probably remove a child from the classroom.

3 Q They can do that without talking to you or the
4 assistant principal?

5 A Except that they'd be sending them to us, so
6 they would be talking to us.

7 Q Okay. But again, a teacher wouldn't have the
8 authority to suspend a student as discipline without you
9 being involved; is that fair?

10 A That would be correct.

11 Q All right. The same would be true for
12 expelling a student?

13 A That would be correct.

14 Q Going back to the handbook, does the school
15 have any other policy -- written policies or procedures
16 beyond what's in the handbook?

17 A No.

18 Q Okay. So if anyone had a question about
19 student admissions standards or disciplinary standards,
20 a handbook would be the only place that they would look;
21 is that right?

22 A That's correct.

1 Q On page 2, the handbook is signed "the
2 administration." Do you see that?

3 A Yes.

4 Q All right. And who is that? Who constitutes
5 the administration?

6 A Me and Mrs. Jackson-Gray.

7 Q On page 7 of the handbook, there is an
8 admissions policy and there's a reference here in the
9 third paragraph to a code of conduct. It says, "middle
10 school students are required to sign a code of conduct";
11 is that correct?

12 A That is correct.

13 Q Okay. And so students who are not in middle
14 school -- and what is middle school, that is six through
15 eight grades -- through six to eight; is that correct?

16 A That is correct.

17 Q So students who are in earlier grades than six
18 do not have to sign the code of conduct?

19 A Correct.

20 Q And so any student who's in middle school
21 would be presented with a written form that they have to
22 sign, that says they agree to the code of conduct; is

1 that correct?

2 A Yes.

3 Q On page 33 of the handbook, it says, at the
4 top, middle school code of conduct. Is this the same as
5 the code of conduct that the students actually sign?

6 A Yes. It is.

7 Q And what are the consequences if a student
8 fails to comply with the code of conduct?

9 A It depends on what they did.

10 Q Can a student be expelled for failing to
11 comply with the code of conduct?

12 A It depends on what they did.

13 Q Has any student ever been expelled from Bethel
14 for failing to comply with the code of conduct?

15 MR. TUCKER: Objection to form.

16 A That's a -- that's a very broad question. The
17 code of conduct is connected to our discipline policies.

18 Q Can you explain what you mean by that?

19 A The code of conduct is not by itself the
20 discipline policy.

21 Q But it says standards for behavior that need
22 to be compliant with, correct?

1 A It's a general guideline for the intent that
2 we want from our middle school students, and being a
3 part of our community.

4 Q And what is the purpose of having a middle
5 school students sign it?

6 A Acknowledgment that they understand the
7 expectations.

8 Q Let's talk a little bit about the application
9 process, when student is consi -- or family is
10 considering sending their child to Bethel. How does the
11 application process work?

12 A There is an application online that they can
13 access through our website.

14 Q And what information is the student required
15 to provide in order to apply for that admission?

16 A Their name, their age, their grade, those
17 various personal informations.

18 Q Anything else?

19 A No. The application asks for parent contact
20 information and all those regular things.

21 Q Are they required to take some sort of a test
22 in order to be admitted?

1 A That's part of the process.

2 THE WITNESS: Oops, my camera -- my monitor
3 just went blank. I don't know if you can hear me or
4 not? My monitor just went black.

5 VIDEOGRAPHER: We can hear you perfectly.

6 MR. TUCKER: Yeah. Can you still see her, Rob?

7 MR. SCOTT: I can see her, but she's frozen.

8 MR. TUCKER: Okay. They may have disconnected
9 connectivity on that computer.

10 THE WITNESS: We're going to try to get me back
11 up.

12 MR. TUCKER: There?

13 THE WITNESS: It just turned off. Yes.

14 MR. TUCKER: It happens.

15 THE WITNESS: Sure. It's probably -- going to
16 timeout unaware. After a certain amount of time, it
17 turns off.

18 MR. TUCKER: Yeah. Okay.

19 THE WITNESS: Sorry about that. Rebooting.

20 MR. TUCKER: How about that?

21 THE WITNESS: I can try to --

22 MR. TUCKER: Rob, do you want to take a

1 two-minute break while we try to --

2 MR. SCOTT: Yeah. That's fine.

3 MR. TUCKER: Okay.

4 COURT REPORTER: We are off the record.

5 (OFF THE RECORD)

6 THE WITNESS: Okay. We're almost -- okay. I
7 think we're back.

8 MR. SCOTT: Okay. Are we all set?

9 THE WITNESS: I believe so.

10 MR. TUCKER: Yes -- yes.

11 MR. SCOTT: Okay. Madam Reporter, could you
12 read back the last question, please?

13 COURT REPORTER: Yes. Give me one moment. I'll
14 pull that up for you.

15 (REPORTER PLAYS BACK REQUESTED TESTIMONY)

16 BY MR. SCOTT:

17 Q Okay. Thank you. Ms. Dant, is there -- are
18 students who are seeking admission to Bethel required to
19 take a test in order to apply?

20 A Yes.

21 Q And what --

22 A Depending on the grade.

1 Q Okay. What grades need to take a test?

2 A Third grade and up.

3 Q And can you tell me what the -- can you
4 describe the test for me?

5 A It's the TerraNova 3 Standardized Achievement
6 Test.

7 Q And does the school have minimum scores that
8 are required in order to be admitted?

9 A Yes.

10 Q So in order to be admitted, that the student
11 -- the prospective students need to submit an
12 application online, they need to -- if they're in third
13 grade or up, they need to take this standardized test
14 and achieve a certain score. Is there anything else
15 that the applicants need to do to be admitted?

16 A They must turn in all required medical
17 paperwork and go through a family interview.

18 Q And who participates in the family interview
19 for the school?

20 A Myself or Mrs. Gray, at least one parent,
21 sometimes the child. It varies.

22 Q And what happen -- what subject areas are

1 discussed during the interview?

2 A A number of different things, primarily
3 procedural.

4 Q What do you mean by procedural?

5 A How the school functions.

6 Q Does the school request any information from
7 the parents or the student during the interview?

8 A Not that we don't already have through the
9 inter -- through the paperwork process.

10 Q Does the school obtain any other information
11 other than what you've described so far about
12 prospective applicants as part of the admission process?

13 A There may be academic records.

14 Q When you say there may be, what do you mean?

15 A Sometimes they're not available.

16 Q So you get the records from the prior schools
17 that they have attended; is that correct?

18 A Yes, sir.

19 Q And what factors does the school -- you
20 mentioned the test, but beyond the test, what factors
21 does the school consider in deciding whether or not to
22 admit a student?

1 A It is primarily academics.

2 Q What -- anything else?

3 A If they have been expelled from a previous
4 school, we would certainly consider that.

5 Q So when you get their academic records from
6 other schools, you also are looking at their
7 disciplinary history; is that correct?

8 A Yes.

9 Q And that is something that's considered when
10 you're deciding whether to admit a student; is that
11 correct?

12 A Yes.

13 MR. SCOTT: All right. Let's move on to
14 Exhibit 3, please.

15 (EXHIBIT 3 MARKED FOR IDENTIFICATION)

16 VIDEOGRAPHER: Stand by.

17 MR. SCOTT: Is there any way we can rotate
18 that?

19 VIDEOGRAPHER: Yes. Give me one second.

20 MR. SCOTT: Thank you.

21 BY MR. SCOTT:

22 Q Ms. Dant, I've had marked as Exhibit 3 to your

1 deposition a copy of document that was produced by your
2 attorneys in this case. Can you tell me what this is?

3 A It's a brochure that we hand out to people
4 interested in the school.

5 Q All right. I see there are three buildings
6 pictured on the first page of this document. Are those
7 -- all three of those buildings still in use by the
8 school?

9 A No.

10 Q Okay. Which one is no longer being used?

11 A The one at the bottom.

12 Q Sixth, seventh, and eighth grade. So where do
13 those -- where did the students who used to go to school
14 there, where do they go to school now?

15 A The building on Lincoln Street.

16 Q Let me direct your attention to the fifth page
17 of this document. Keep going, one more.

18 A That's it.

19 Q Yeah. That's the one. It's upside down.

20 Okay. This is something that's referred to at the top
21 as a Statement of Cooperation and Agreement. What is
22 this?

1 A It's a statement of cooperation and agreement.

2 Q And what's the purpose of it?

3 A To discuss things that the parent is needing
4 to understand in enrolling their child.

5 Q And I see that there's signature lines for the
6 father, mother, and guardian at the bottom. Do you have
7 the parents sign this as part of the application
8 process?

9 A Yes.

10 Q Okay. And I noticed that about, let's say,
11 two-thirds of the way down, there's a statement that the
12 parent is to initial that says, "As a BCA parent, I
13 commit to carefully read and support all school policies
14 as outlined in the Parent Student Handbook." Do you see
15 that?

16 A I do.

17 Q Okay. What does the school mean by "support
18 all school policies"?

19 A It means not act in opposition to them.

20 Q And does it mean that the parents have to
21 agree with the school policies?

22 A No.

1 Q So the school doesn't believe that a parent
2 who is seeking to have their student admitted needs to
3 agree with all the policies in the handbook. Is that
4 your testimony?

5 A It is. Everyone is welcome.

6 Q Even if they disagree with the policy?

7 A Yes, sir.

8 Q But they have to sign something that says that
9 they support the policy in order for their student --
10 for their child to be admitted, correct?

11 A That is correct.

12 Q And if a parent looked at the handbook and
13 determined that they disagreed with the policies and
14 then refused to sign this document, the statement of
15 cooperation and agreement, Bethel would not admit their
16 child as a student; is that correct?

17 MR. TUCKER: Objection. Speculation.

18 A We've never had that situation, so I don't
19 know what would happen in that situation.

20 Q But you do require parents to sign this
21 document as part of the application process, correct?

22 A We do.

1 Q And if the parents refused to sign it, then
2 the application would not be approved; is that right?

3 A I can't speak to that. I've never had that
4 circumstance occur.

5 Q So you've never had a parent who's refused to
6 sign this?

7 A That's correct.

8 MR. SCOTT: Let's move on to Exhibit 4, please.

9 (EXHIBIT 4 MARKED FOR IDENTIFICATION)

10 VIDEOGRAPHER: Stand by. Sharing now.

11 BY MR. SCOTT:

12 Q This is a doc -- another document that I
13 received in discovery in this case from your lawyers.
14 Can you tell me its -- it says Pre-Enrollment Parent
15 Interview. Can you tell me the purpose of this form?

16 A It's basically a guideline so that whoever
17 might be conducting an interview would not forget to
18 cover certain information.

19 Q And does this accurately set forth the subject
20 matters that are discussed during the interview?

21 A Yes. It does.

22 Q On page 2, it says, "BCA core values,

1 emphasize key points," do you see that?

2 A I do.

3 Q All right. And then it says, "Have parent
4 sign statement," and that's underlined. Is that the
5 statement that we just looked at earlier as part of
6 Exhibit 3, the statement of cooperation and agreement?

7 A No. We did not.

8 Q So there's another form that the parents need
9 to sign?

10 A Yes. The BCA core values.

11 Q And where's that document? Is that in the
12 packet that they received as part of Exhibit 3 or is it
13 separate?

14 A I did not see it there. I'm sure we provided
15 it.

16 Q But it is called BCA core values?

17 A Yes. They are also listed in the handbook.

18 Q Okay. So where -- let's go back to the
19 handbook, which is Exhibit 2. Where are the core values
20 listed in the handbook?

21 A At the very beginning.

22 Q It looks like page 9?

1 A Yep. There they are.

2 Q Okay. And so in addition to the statement of
3 cooperation and agreement, the parents are also given a
4 form that says they agree with these core values that
5 they have to sign as part of the application process?

6 A No. That is not correct.

7 Q Okay. They sign it during the interview?

8 A They do, but they're not signing that they
9 agree with them.

10 Q Okay. What's the purpose of having them sign
11 it?

12 A That they acknowledge that this is what we
13 believe.

14 Q And that's what the form says?

15 A Yes. It does.

16 Q At the bottom -- we're going back to Exhibit
17 4, which is the interview form. At the bottom of the
18 second page, it says there are a few additional things
19 for the parent to do for enrollment to be finalized. And
20 number 2 is signed education agreement. What is that?

21 A That's a statement explaining that we have a
22 continuous enrollment agreement regarding tuition.

1 Q I'm not sure I understand. Does that mean
2 you're -- they are agreeing to pay the tuition?

3 A Yes. But we don't have them re-enroll each
4 year. So there is an explanation of a continuous nature
5 of our enrollment from year to year.

6 Q And the parents are required to sign this?

7 A Yes.

8 Q Is there anything else the parents are
9 required to sign beyond the core values and cooperation
10 statement?

11 A I -- I'm sorry. I -- I cannot hear you. That
12 whole part was garbled.

13 Q Okay. I'll start again. Beyond the documents
14 that we've already talked about, the cooperation
15 statement, the core values statement, and this education
16 agreement, that's referenced in Exhibit 4, are there any
17 other documents that the parents are required to sign as
18 part of the admission or enrollment process?

19 A There are a number of things the parents must
20 acknowledge with a signature in the application.

21 Q And the application is completed online; is
22 that correct?

1 A That is correct.

2 MR. SCOTT: Let's go back to Exhibit 3, please.
3 Go up one page -- to the top.

4 Q This document is include -- this is -- it says
5 application for admission. This is included in the
6 brochure, that's Exhibit 3. Does this reflect all of
7 the information that is required to fill out the
8 application online?

9 A I'm not sure how to answer that because this
10 is the basic application, but then there are medical
11 forms and various other things that are required.

12 Q All right. So there is some difference
13 between the information that's requested on this page
14 and what's required online?

15 MR. TUCKER: Objection to form.

16 Q Is that correct?

17 MR. TUCKER: Form.

18 A I'm -- I'm not sure I understand what you're
19 asking. The application is the same. It asks the same
20 information. The process involves other pieces.

21 Q Right. And the other pieces being medical
22 information and academic records. Anything else?

1 A No.

2 MR. SCOTT: Let's move on to Exhibit 5, please.

3 VIDEOGRAPHER: Stand by.

4 Q Ms. Dant, Exhibit 5 are some documents that
5 were provided to us in discovery by your lawyers. They
6 appear to be admission records; is that correct?

7 (EXHIBIT 5 MARKED FOR IDENTIFICATION)

8 A Yes.

9 Q Okay. And what do these documents show?

10 A They are database fields as a student walks
11 through the process.

12 Q Walks through what process?

13 A The enrollment process.

14 Q Okay. So let's look at the first page of
15 this. This is a student admissions record for one
16 particular applicant; is that correct?

17 A Yes.

18 Q All right. And is there a disposition
19 reflected on this page?

20 A Do you mean a status?

21 Q Well, was this student accepted? Are you able
22 to tell from looking at this page whether or not this

1 student was accepted?

2 A Yes, I am.

3 Q And what is -- what was the outcome?

4 A The student was not accepted.

5 Q And where -- is that where it says status
6 rejected?

7 A Yes, sir.

8 Q Okay. And are you able to tell why the
9 student was rejected?

10 A This is very tiny. So if they can be zoomed a
11 bit more and scrolled. Yes. If I looked through this,
12 I can see that a lot of things were not completed and
13 when the testing was conducted, the student did not pass
14 the test -- the exam.

15 Q You're looking at the box that's checked
16 testing conducted. And then in the box next says "did
17 not pass the exam."

18 A Right.

19 Q Okay. Let's go to the next page 2. Again,
20 this student appears to have been rejected, did not pass
21 the exam, correct?

22 A Yes.

1 Q Page 3, this student was rejected. Can you
2 tell why?

3 A There is no note there to indicate that
4 precisely.

5 Q Would there be any other records at the school
6 to indicate why the student's application was rejected?

7 A No.

8 Q And you don't know why they were rejected?

9 A I would have to conjecture.

10 Q Well, I'm just asking whether you know, as the
11 designee of Bethel, whether or not -- why this students
12 application was rejected and your answers is --

13 A I don't know -- I don't know. There were
14 preschool students. Often preschool students don't
15 proceed because they expected to be potty trained and
16 then were not.

17 Q But you don't know whether that's what
18 happened in this instance?

19 A No. I don't.

20 Q Okay. Let's go to the next page. This
21 application -- this student's application was rejected.
22 Are you able to tell why?

1 A Again, it's rather small, but it looks like it
2 says "below grade level" in several areas.

3 Q That's in the testing box?

4 A Yes.

5 Q Okay. And you're interpreting that where
6 there's a little -- a symbol, it says GL, I guess below
7 -- you're interpreting that as below grade level in
8 several areas; is that right?

9 A Yes.

10 Q Is there any additional text in that box that
11 we can't see on this document?

12 A I can't tell from that. The M indicates --
13 the M indicates there is.

14 Q And in order to find out what that says, you
15 have to go onto the database and look at it; is that
16 right?

17 A I believe so. This is how it prints out.

18 Q Let's go to the next page which is Bates
19 stamped at the top, Plaintiff's production 0447. Are
20 you able to tell why this student's application was
21 rejected?

22 A If you scroll down a bit, it appears they also

1 were below grade level.

2 Q And again, we can't see all the text in that
3 box, right?

4 A Right.

5 Q All right. The next page, Plaintiff's
6 production 448. Are you able to tell why this student
7 was rejected?

8 A Because they didn't pass.

9 Q Didn't pass the test?

10 A It's in the testing box. Yes.

11 Q Did not pass the test, correct?

12 A Right.

13 Q All right. The next page, 449, also rejected.
14 Are you able to tell why?

15 A Below grade level.

16 Q That's the testing box again?

17 A Yes, sir.

18 Q The next page, 450. Are you able to tell why
19 this student was rejected?

20 A Yes.

21 Q And what was that?

22 A They tested below grade level.

1 Q Okay. The next page, 451. This student was
2 rejected. And it looks like it was -- didn't pass the
3 test, correct?

4 A Yes, sir.

5 Q And the next page, 452, another student
6 rejected and it looks like because they didn't pass the
7 test, correct?

8 A Correct.

9 Q Next page, 453. Appears to be the same.
10 Rejected, did not pass the test, correct?

11 A Correct.

12 Q Next page, 454, another student rejected and
13 it looks like did not -- or tested below grade level,
14 correct?

15 A Correct.

16 Q Next page, 455. Are you able to tell why this
17 student was rejected?

18 A No. I cannot tell for sure.

19 Q In the testing box, it says that the student
20 -- it says assessed June 19, 2017, and then it says AC.
21 Do you know what that means?

22 A AC was the person who administered the test.

1 Q But you're not able to tell why this student
2 was rejected?

3 A No. That data was apparently not entered.

4 Q And there's no other record in schools
5 possession that reflects why that student was rejected;
6 is that right?

7 A No there is not. That is correct.

8 Q Okay. Let's go to the next page, 456. Are
9 you able to tell why this student was rejected?

10 A No. That detail is not in that field.

11 Q And there's no other document in the school's
12 possession that would show why that student was
13 rejected; is that right?

14 A That's correct.

15 Q The next page is 457. It looks like this
16 student was rejected because they tested below grade
17 level; is that right?

18 A Yes.

19 Q So -- in looking again at the testing box, the
20 AC, you're saying that's the initials of a person who
21 the gave the test; is that right?

22 A That's correct.

1 Q And who is -- do you know who AC is?

2 A Yes. That's Amaris Carrington.

3 Q And what is her job?

4 A She's my administrative assistant.

5 Q So the tests that the students take to -- when
6 they're applying, those tests are administered at
7 Bethel; is that right?

8 A Yes. Except that in a COVID world we have
9 done a couple of them via Zoom.

10 Q Okay. But it's not like the SAT where you go
11 to a big room to take it with 500 people in some
12 third-party location?

13 A No.

14 Q All right. The next page, 458. Are you able
15 to tell why this student's application was rejected?

16 A No. I'm not.

17 Q And there is no other documents that the
18 school has in its possession that would show why this
19 student was rejected, right?

20 A That's correct.

21 Q And this student was applying for -- well, it
22 says grade 4. Does that -- is that the grade that they

1 were in at the time of the application or the grade
2 they're seeking admission into?

3 A That would be the grade they were seeking
4 admission into.

5 Q Okay. The next page, 459. Do we know why
6 this students -- are you able to tell why this student's
7 application was rejected?

8 A No. I'm not. But again, that's -- that's a
9 pre-K student, so there is no testing.

10 Q And there's no document in the school's
11 possession that would show why this student was -- why
12 their application was rejected; is that correct?

13 A That's correct.

14 Q The next page, 460. It looks like this
15 student was rejected because they didn't pass the test,
16 correct?

17 A Correct.

18 Q The next page, 461, this says the student was
19 rejected. Are you able to tell why?

20 A Yes. Below grade level in all subjects.

21 Q That's the testing box again?

22 A Yes.

1 Q The next document 462, are you able to tell
2 why this student was rejected?

3 A No. I cannot tell.

4 Q And the school doesn't -- there is no
5 documents in the school's possession that would show why
6 this application was rejected; is that right?

7 A That's right.

8 Q And this student was seeking admission into
9 grade 7; is that right?

10 A Correct.

11 Q Next page, document 463. Are you able to tell
12 why this student was rejected?

13 A Yes.

14 Q Why?

15 A Seeking seventh grade, but scored a -- a third
16 grade level.

17 Q So unsatisfactory test results, correct?

18 A I'm sorry?

19 Q So her test result -- this student's test
20 result were not sufficient; is that correct?

21 A Correct.

22 Q The next page, 464. Are you able to tell why

1 this student's application was rejected?

2 A No. I'm not able to tell.

3 Q And the school is not in possession of any
4 documents that would show why this student was not
5 accepted; is that right?

6 A That is correct.

7 Q The next page, 465. Are you able to tell why
8 this student's application was rejected?

9 A No. It appears it was not completed.

10 Q Okay. What do you mean? Why do you believe
11 that?

12 A Because all the fields are virtually empty.

13 Q And does the school know why the application
14 was not completed?

15 A No. We don't.

16 Q Okay. The next page, 466. Looks like this
17 student was rejected for below grade level test; is that
18 correct?

19 A That is correct.

20 Q Any other reason?

21 A No.

22 Q The next page, 467. Student was rejected. It

1 says in the testing box that they were below grade level
2 in math; is that correct?

3 A That is correct.

4 Q Is that the reason why the student's
5 application was rejected?

6 A Yes.

7 Q The next page, 468, the student's application
8 was rejected. And can -- are you able to tell why?

9 A No. I'm not.

10 Q Okay. And the school doesn't have any
11 documents in its possession that would show why this
12 student's application was rejected; is that correct?

13 A That's correct.

14 Q All right. Let's go back to the handbook,
15 which is Exhibit 2, page 7. About two-thirds of the way
16 down in bold, it says Statement of Non-Discrimination,
17 do you see that?

18 A Yes.

19 Q Okay. When was that statement first added to
20 the admission's policy?

21 MR. TUCKER: Objection to form.

22 A I'm not sure exactly what you mean. The

1 heading? The precise wording? It's been in our
2 handbook forever.

3 Q The statement of non-discrimination. I'm
4 asking whether -- when that was for -- when that first
5 became part of the Bethel's admissions policy?

6 MR. TUCKER: Objection to form.

7 A I'm not sure exactly what statement you're
8 talking about in regard to which paragraph. And
9 20 years ago probably, a long time.

10 Q Do you know when it was at -- when it was
11 first added?

12 A I do not.

13 Q Who drafted the language in the statement of
14 non-discrimination?

15 A Me.

16 Q Anybody -- did anybody else participate in
17 that process?

18 A I'm sure Mrs. Gray and Dr. Green read it.

19 Q Do you have a specific recollection of them
20 providing any input on this statement of non-
21 discrimination?

22 A No.

1 Q It says in the statement of non-discrimination
2 in the second -- at the first paragraph, second sentence
3 that "it," being Bethel "does not discriminate on the
4 basis of race, color, national and ethnic origin in the
5 administration of its educational policies, admissions
6 policies, et cetera." I noticed that the statement of
7 non-discrimination does not include sexual preference. A
8 statement that the school does not discriminate based on
9 sexual preference. Is there any particular reason why
10 that is not included?

11 A Its language was the language that was
12 required for non-profits by the IRS.

13 Q How do you know that?

14 A Having been told that.

15 Q And who told you that?

16 A Don't remember precisely.

17 Q Okay. So some -- this is language that you
18 got --

19 A That statement preexisted me.

20 Q Okay. That's what I was trying to find out.
21 So this statement was already in the handbook before you
22 ever started working on it; is that correct?

1 A Yes, sir.

2 Q Okay. Do you know who originally put this
3 language in the handbook or when?

4 A I do not.

5 Q All right. Has Bethel ever had any
6 prospective student apply for admission to Bethel
7 Christian Academy who is homosexual?

8 MR. TUCKER: Objection to form. Speculation.

9 Q You can answer.

10 A Not that I'm aware of.

11 Q If a student applied to Bethel Christian
12 Academy and who was qualified for admission, but the
13 school learned was homosexual, would Bethel admit that
14 student?

15 A That's a hypothetical situation. All students
16 who apply and meet our academic requirements are welcome
17 to attend.

18 Q Even if they're homosexual?

19 A All students who apply and meet our academic
20 requirements are welcome.

21 Q Even if they are homosexual, yes?

22 A All students.

1 Q Including homosexual students, correct?

2 A Including any student.

3 Q Including homosexual students, yes?

4 A We don't disqualify any student that is
5 qualified to meet our academic requirements. That would
6 include all students.

7 Q Including homosexual students, correct?

8 A Again, all students.

9 Q Okay. Including homosexual students, yes or
10 no?

11 MR. TUCKER: Asked and answered.

12 A We don't discriminate against any students.

13 Q It's a very simple question. If a student is
14 qualified for admission, and turns out to be homosexual
15 sexual would the school --

16 MR. TUCKER: Objection. Asked and answered.
17 She's already answered it.

18 MR. SCOTT: Well, I don't agree -- I don't
19 agree, Counsel, but I'm going to ask one more time.

20 MR. TUCKER: All would include every single
21 student of every orientation.

22 BY MR. SCOTT:

1 Q Including homosexual students, yes or no?

2 A All students. Any student.

3 Q What about students who don't dress or
4 identify with their biological gender?

5 A Any student who meets our qualifications and
6 understands our conduct expectations would be admitted.

7 Q What if the student says, "I don't want it.
8 I'm a boy and I don't want to dress like a boy, I want
9 to dress like a girl"?

10 A That would be a hypothetical situation I have
11 never faced.

12 Q So you don't know whether you would admit that
13 student or not?

14 MR. TUCKER: Objection. Speculation. Asked
15 and answered.

16 A I would have to speculate and I'm not wanting
17 to do that.

18 Q But the school has a policy, doesn't it?
19 Against students not dressing or identifying with their
20 -- in accordance with their biological gender?

21 MR. TUCKER: Objection to form.

22 A We have a number of conduct policies --

1 Q Including one that says --

2 A -- it applies to all students.

3 Q Okay. My question is: the school has a policy
4 that prohibits students from not dressing in accordance
5 with their biological gender, isn't that correct?

6 A We have a dress code policy.

7 Q Right. And what -- and it says that if you --
8 that you were required to dress in accordance with your
9 biological gender, correct?

10 MR. TUCKER: Objection to form.

11 Q You can answer.

12 A I don't know precisely the wording in the
13 discipline policy in the handbook.

14 Q All right. Well --

15 A We do require that -- we do require that all
16 students be in the proper uniform.

17 Q Okay. Well, it says right here at the
18 document -- in the document that we're looking at, which
19 is the handbook. Which is Exhibit 1, to the complaint
20 that the file in this case and it says in the last -- in
21 the second-to-last, excuse me, the last sentence on page
22 7: "Faculty, staff, and students are required to

1 identify with, dressing in accordance with, and use the
2 facilities associated with their biological gender." Do
3 you see that?

4 A Yes. I do.

5 Q Okay. And so my question is if you have an
6 applicant -- student applicant who says, "I don't want
7 to comply with that policy." Would you admit that?

8 MR. TUCKER: Objection. Speculation.

9 A That's a hypothetical situation I've never had
10 to face.

11 Q If you did face it, what would you do?

12 MR. TUCKER: Objection. Speculation.

13 A I can't answer that question. I don't want to
14 guess.

15 Q What things would you consider in making that
16 kind of a decision?

17 A I feel like that's still hypothetical.

18 Q Well, I'm allowed to ask you hypothetical
19 questions, Ms. Dant. If you don't -- if you refuse to
20 answer them, we'll deal with it. But there's no
21 probation on me asking you a hypothetical questions
22 here.

1 MR. TUCKER: And there is no prohibition to me
2 objecting to the form of the question. She's
3 answered the question.

4 MR. SCOTT: She hasn't answered the question.

5 THE WITNESS: We don't discriminate -- we don't
6 discriminate against the students that apply and are
7 qualified to meet our academic requirements and who
8 want to be in our school.

9 BY MR. SCOTT:

10 Q What about students who don't want to follow
11 this statement that I just read to you from the
12 handbook. Do you admit them?

13 MR. TUCKER: Speculation. Objection.
14 Speculation. Objection. Asked and answered.

15 A I think I've answered that question. I don't
16 know what else to tell you.

17 Q Okay. It says in the first sentence about
18 what's -- let me ask you a different question. Has
19 Bethel ever had any prospective student apply who did
20 not identify or dress in accordance with their
21 biological gender?

22 A Not to my knowledge.

1 Q Let me direct your attention to the last
2 sentence of the third paragraph on page 7 of Exhibit 1
3 -- no, I'm sorry, Exhibit 2. I apologize. Yes. Thank
4 you. It says, "Parents must understand that continued
5 enrollment of their children is dependent on their
6 support of the school."

7 A My screen just went black again. I'm so
8 sorry, my screen just went black again.

9 Q All right.

10 MR. SCOTT: Why don't we take a break? Let's
11 take a ten-minute break.

12 COURT REPORTER: Okay. We are off the record.

13 (OFF THE RECORD)

14 COURT REPORTER: We are back on the record.

15 BY MR. SCOTT:

16 Q Okay. Ms. Dant, let me refer you to the third
17 paragraph of page 7 of Exhibit 2, what we were talking
18 about before the break. It says, "Parents must
19 understand that continued enrollment of their children
20 is dependent on their support of the school, its staff,
21 and its policy." Do you see that?

22 A Yes.

1 Q Okay. Does that mean a student who does not
2 comply with the policies in the handbook is no longer
3 entitled to be enrolled?

4 A It has nothing to do with enrolling, it's once
5 they're in the school.

6 Q "Continued enrollment" is what it says, right?

7 A Yes.

8 Q It says so. Continued enrollment is dependent
9 on their support of the school, its staff, and its
10 policies, right?

11 A Yes.

12 Q So is continued -- does that mean a student
13 who does not support the school's policies can be
14 expelled?

15 A It says a student who acts contrary to our
16 policies and in opposition to them may find themselves
17 in that situation.

18 Q What situation?

19 A Being asked to withdraw.

20 Q I noticed that there's -- going down back to
21 the statement of non-discrimination in the second
22 paragraph, it states that, "Bethel Christian Academy

1 supports the biblical view of marriage, defined as a
2 covenant between one man and one woman." Do you see
3 that?

4 A Yes.

5 Q Okay. Why is that in the statement of
6 non-discrimination?

7 A It was not my perception that it was in the
8 statement of non-discrimination. It was a separate
9 statement having to do with conduct expectations.

10 Q And -- well, why is it, you know, why does it
11 appear on this page?

12 A Because we accept students from anywhere and
13 have open enrollment, it was our understanding that
14 clarity regarding who we are, and what we expect was a
15 good thing.

16 Q Does it mean a student whose behavior does not
17 align with Bethel's view of marriage, i.e., that it's a
18 marriage that is a covenant between one man and one
19 woman you -- has to withdraw the from school?

20 A Keep in mind that we have preschool through
21 eighth grade students, and so their actions have nothing
22 to do with marriage.

1 Q Why do you say that?

2 A Because they're too young.

3 Q But then why does Bethel Christian Academy --
4 if this -- if it has no application to them because it's
5 beyond them, why is Bethel Christian Academy including a
6 statement about it's difficult view of marriage in its
7 admissions policy?

8 MR. TUCKER: Objection to form.

9 A As I stated, I don't believe that statement is
10 part of our admissions policy, as it refers also to
11 faculty and staff. It's a statement of our belief.

12 Q It's a statement of the school's belief about
13 marriage, right?

14 A Yes.

15 Q And Bethel is putting that statement on the
16 same page with -- I understand your view is it's not
17 part of admissions policy; is that right?

18 A That's correct.

19 Q But it's on the page with a heading at the
20 top, it says Admissions Policy, correct?

21 A Yes.

22 Q And I think you just testified a few minutes

1 ago that Bethel's view of marriage is irrelevant to
2 students because they're too young, correct?

3 MR. TUCKER: Objection to form.
4 Mischaracterizes prior testimony.

5 A No. I stated that their actions as children
6 would not be relevant.

7 Q Does Bethel Christian Academy teach or include
8 in its curriculum any teachings concerning marriage?

9 MR. TUCKER: Rob, is this part of your
10 corporate depo or are we molding this into her
11 individual capacity? I'm just trying to figure out
12 where we're at as to whether I need to object to the
13 scope or not.

14 MR. SCOTT: I think it's fairly within the
15 subject areas.

16 MR. TUCKER: Where would that be? What topic?

17 MR. SCOTT: Allegations in the complaint.
18 Factual basis for the allegations in the complaint.

19 MR. TUCKER: What? The sub -- the actual
20 subjects that are taught in each individual grade
21 level?

22 MR. SCOTT: No. I asked whether there were any

1 teachings concerning marriage.

2 MR. TUCKER: Okay. Go ahead.

3 THE WITNESS: I don't believe that's part of
4 our curriculum. We focus on biblical content.

5 BY MR. SCOTT:

6 Q Has Bethel ever had a student after being
7 admitted disclose that he or she was homosexual to the
8 school?

9 A I'm sorry. I'm sorry. You broke up a bit
10 there.

11 Q I'm sorry. It's -- I keep looking away when
12 I'm speaking. That's my fault. I'll try to
13 stop doing that. My question is: Has Bethel ever had a
14 student after being admitted, disclose to the school if
15 he or she is homosexual?

16 A I can't say definitively, no, not to me. Not
17 to anyone I know.

18 Q Okay. But this question I'm asking you in
19 your capacity as designee for Bethel Christian -- for
20 the plaintiff in this case.

21 A Then I would say no.

22 Q Has Bethel ever had a student engage in

1 conduct at the -- that is inconsistent with Bethel's
2 view that marriage is defined as a covenant between one
3 man and one woman?

4 A No.

5 Q If that were to happen, what would Bethel do
6 under those circumstances?

7 MR. TUCKER: Objection to speculation. Form.

8 A I would have to assume we would carry our
9 discipline policies as we do with all students.

10 Q Has Bethel ever had a student that was
11 admitted who did not identify or dress in accordance
12 with their biological gender?

13 A No.

14 Q All right. Well, you just referred to the
15 discipline policy. Let's take a look at that. I think
16 it's on page 34 -- 32. Is this the discipline policy?

17 A Part of it, yeah.

18 Q Where does it start? Do you know, Ms. Dant?

19 A It just -- it just encompasses more than this
20 page.

21 Q Okay. Well, let's talk about this page first.
22 So it lists -- this page lists a number of offenses

1 which are described as of a more serious nature, right?

2 A Yeah.

3 Q And these offenses, according to this policy,
4 may result in suspension or expulsion from the school,
5 correct?

6 A Correct.

7 Q Okay. And this is -- this -- and you -- if I
8 understand your earlier testimony, you are -- you
9 oversee the discipline of students at the school; is
10 that correct?

11 A Yes.

12 Q So if a student ought to be expelled or
13 suspended as a result of any offenses listed on this
14 page that we're looking at, page 34, Exhibit 2, it will
15 be your decision whether or not to suspend or expel that
16 student?

17 A Yes.

18 Q One of the listed offenses here is
19 inappropriate relationships. Do you see that?

20 A I do.

21 Q Okay. What does Bethel mean by inappropriate
22 relationships?

1 A For children, it means romantic relationships
2 are inappropriate.

3 Q When you say children, does that apply to all
4 students at the school?

5 A We believe all of our students are children.

6 Q Including the middle school students?

7 A Yes.

8 Q And when you say a romantic relationship, what
9 do you mean?

10 A I don't know how else to describe romantic.
11 Crushes, I like you, you like me, we're in love, all of
12 that.

13 Q So if a student is engaged in a relationship
14 like you just described, across the I like you, you like
15 me, that's potential grounds for suspension or expulsion
16 from the school; is that correct?

17 A Any inappropriate relationships or
18 communication of that nature would be grounds for
19 discipline.

20 Q And according to the page we're looking at,
21 possible suspension and expulsion, correct?

22 A Possibly.

1 Q Are there any other type of relationships that
2 the school believes are inappropriate other than
3 romantic?

4 A I don't think so.

5 Q So would two students who are holding hands,
6 would that be considered inappropriate relationship?

7 MR. TUCKER: Objection to form.

8 A Specific action would not necessarily be
9 interpreted as a particular thing.

10 Q Okay. Well, would holding hands be something
11 that might -- that the school might think is
12 inappropriate?

13 A I think it would depend on how old these
14 children were and other types of judgment factors that I
15 can't really speak to in a general sense.

16 Q And what about kissing?

17 A No. We told them nobody should be kissing
18 anybody.

19 Q So if the -- if two students are kissing each
20 other, that's inappropriate relationship in the school's
21 view and they could potentially be disciplined?

22 A I would not necessarily deem it as an

1 inappropriate relationship, but it would be an
2 inappropriate action.

3 Q Right. Well, I'm just -- I'm trying to
4 understand what the language in the book -- in the
5 handbook that says inappropriate relationships could be
6 potential grounds for suspension or expulsion. I'm
7 trying to understand what that includes. So that's why
8 I asked you whether it would include kissing, two
9 students were kissing each other.

10 A Ongoing actions of physical contact and public
11 displays of affection would seem to be the definition
12 here of an inappropriate relationship.

13 Q What about hugging?

14 A I'm sorry. I really -- I'm having difficulty
15 hearing you.

16 Q Sorry. What about hugging?

17 A We tell all of our students to keep their
18 hands to themselves.

19 Q Has any student ever been expelled from Bethel
20 for engaging in an inappropriate relationship?

21 A No.

22 Q Has ever -- has any student ever been

1 suspended from Bethel for engaging in inappropriate
2 relationship?

3 A Yes.

4 Q How many instances of that? Either one.

5 A One.

6 Q And when was that?

7 A I believe that's been provided to you. I
8 don't remember the precise year.

9 Q Other than that one instance, has any other
10 student ever been suspended from Bethel for an
11 inappropriate relationship?

12 A No.

13 Q The policy that we're looking at also states
14 that -- it covers offenses over the Internet, including
15 social media. Do you see that?

16 A I believe it says that. Yes. I see it.

17 Q Does the school monitor students' social media
18 accounts?

19 A No.

20 Q Has any student ever been disciplined for
21 inappropriate social media posts?

22 A No.

1 Q The policy states that students may be
2 required to give the school access to the social media
3 accounts. Do you see that?

4 A Yes.

5 Q Has this ever happened?

6 A No.

7 Q All right. Let's talk about the BOOST
8 program. When did Bethel first begin participating in
9 the BOOST program?

10 A I think that was the '16-'17 school year.

11 Q And how did that come about?

12 A I don't remember precisely, but we had been
13 participating in the non-public textbook program for a
14 number of years, so I suspect it was through learning
15 about the BOOST program in that way.

16 Q And who at the school is in charge of
17 administering the school's participation in BOOST?

18 A Me.

19 Q Is it fair to say that you were the primary
20 contact between the people who ran the BOOST program in
21 school?

22 A Yes.

1 Q And who did you deal with? Who are the names
2 of the people that you dealt with at the stay with
3 respect to BOOST?

4 A Throughout the entire program?

5 Q Yeah. Just like the names of the people that
6 you talked to or e-mailed with that program.

7 A Prior to being expelled from the program, I
8 don't know that I had personal contact with anyone. We
9 filled out the forms online, we submitted them. We were
10 notified of our acceptance. We followed through all the
11 various requirements.

12 Q And that was -- you said you first -- the
13 schools first started participating, you know, 2016-'17
14 school year; is that right?

15 A Yes, sir.

16 Q And approximately how many students at that
17 all participate in that year?

18 A I think about -- about 13.

19 Q And then Bethel also participated the
20 following year, 2017 to 2018; is that right?

21 A Yes, sir.

22 Q And approximately how many students

1 participated that year?

2 A Approximately 18.

3 Q And what was Bethel's understanding of the
4 purpose of the BOOST program?

5 A To provide the means by which low-income
6 families could attend private school.

7 Q And you mentioned that you -- when you first
8 began participating, that you pulled out forms online,
9 notified the people accepted. Were you the person who
10 completed the applications?

11 A As best I recall, yes.

12 Q And at that time, was Bethel aware that in
13 order to participate in the BOOST program that they had
14 to agree that would not discriminate against students in
15 admissions based on race, sex, national origin, or
16 sexual orientation, correct?

17 A Correct.

18 Q And Bethel, when you submitted the online
19 application you had to acknowledge or agreed to some
20 assurances to that effect, correct?

21 A We did have to sign that statement. Yes.

22 Q And you were the person who would sign off on

1 them, right?

2 A Yes.

3 Q And Bethel also participated in a couple of
4 related programs, the agent schools program, and a
5 textbook and technology program; is that right?

6 A That's correct.

7 Q And that was the same timeframe, 2016, 2017,
8 2018, 2019; is that right?

9 A We participated in the other two programs
10 prior to that as well.

11 Q Okay. And the other two programs also
12 required Bethel sign or prove assurances about not
13 having any discrimination admissions, correct?

14 A I don't recall precisely what it involved
15 prior to my taking over on those programs since they
16 pre-existed me.

17 Q Well, who was in charge before you taking
18 over?

19 A The former principal.

20 Q And who was that?

21 A Alice Green.

22 Q When did Ms. Green leave?

1 A I'm sorry, could you repeat that?

2 Q When did Ms. Green leave her position as
3 principal?

4 A When I took over in 2016.

5 Q Is Ms. Green related to Pastor Green?

6 A Yes.

7 Q Is it his wife?

8 A Yes.

9 Q Okay. I want to show you some documents. Can
10 we go to Exhibit 8, please?

11 (EXHIBIT 8 MARKED FOR IDENTIFICATION)

12 VIDEOGRAPHER: Stand by.

13 COURT REPORTER: And, Mr. Scott, I'm sorry to
14 interrupt. This is the court reporter. You are
15 trailing off a little bit during some of your
16 sentences.

17 THE WITNESS: I'm still having -- I'm having
18 trouble hearing you. I don't know if you can hear
19 me.

20 MR. SCOTT: I can hear you fine. I'll try to
21 do better job of speaking directly into the
22 computer.

1 VIDEOGRAPHER: Sharing now.

2 BY MR. SCOTT:

3 Q Okay. I want to show you what's been marked
4 as Exhibit 8, this is the first two-and-a-half pages are
5 a series of e-mail addresses to whom this e-mail was
6 sent. And then the text begins on page three. And this
7 concerns the assurances and instructions for applying
8 for BOOST for 27, excuse me, for 2017-2018 school year.
9 Do you see that?

10 A I do, but it's rather tiny.

11 Q Can we make it bigger, please? Thanks. If
12 you go to -- go down two pages, please. Then you'll
13 see, beginning on page 3155.001, you'll see the BOOST
14 assurances for the school year 2017, 2018. Do you see
15 that?

16 A Yes.

17 Q All right. And these were the assurances that
18 Bethel agreed to abide by participating in the BOOST
19 program, correct?

20 A Yes.

21 Q Can we go back to the first page, please? The
22 first page of the Exhibit. Yes. Thank you. If you

1 look about a third way down, there is an e-mail address
2 to somebody named, pattiwecker@teambethel.org. Do you
3 see that?

4 A No. Yes. I see it.

5 Q Okay. Who is Patti Wecker?

6 A She was functioning as an assistant principal.

7 Q Why, and how long was she in that -- strike
8 that. When was she in that role?

9 A That one year.

10 Q What year?

11 A I'm sorry, 2016, '17.

12 Q And does she still work at the school?

13 A No. She does not.

14 Q When did she leave?

15 A The following year.

16 Q 2018?

17 A '17, '18.

18 Q Do you know why she left?

19 A She retired.

20 Q How long did she work at the school? Just
21 that year?

22 A 20-some years.

1 Q What was her job before she was starting as
2 acting principal? Or -- excuse me, acting as assistant
3 principal?

4 A She had a number of different roles over the
5 years, development -- development director, finance.

6 Q And it's your understanding she's retired now?

7 A Yes.

8 Q So this e-mail looks like it went to her. Was
9 she working on the BOOST application at that time?

10 A She may have participated.

11 Q Did you also receive this e-mail?

12 A I don't recall.

13 Q Let's go to Exhibit 9, please.

14 (EXHIBIT 9 MARKED FOR IDENTIFICATION)

15 VIDEOGRAPHER: Stand by.

16 Q Exhibit 9 is a letter dated October 13, 2017
17 from Matthew Gallagher to BOOST-eligible schools. This
18 document was attached to the Plaintiff's Motion for
19 preliminary injunction filed in this case. Have you
20 seen this letter before?

21 A Yes.

22 Q And the letter relates to the assurances that

1 the school needed to sign in order to participate in the
2 BOOST program, correct?

3 A Correct.

4 Q And Bethel agreed to those assurances in order
5 to participate in the program, correct?

6 A Correct.

7 Q Let's go to Exhibit 9A, please.

8 (EXHIBIT 9A MARKED FOR IDENTIFICATION)

9 VIDEOGRAPHER: Stand by.

10 Q Ms. Dant, Exhibit 9A is another e-mail that
11 went to, among other people, Patti Wecker. Do you see
12 that? pattiwecker@teambethel.org. Quarter the way
13 down?

14 A Yeah. See it.

15 Q Okay. Do you know if you also received this
16 e-mail?

17 A I don't know that I did. My name is not
18 there.

19 Q Let's go to the second-to-last page. This is
20 a letter attached to e-mail dated December 19, 2017,
21 from Matthew Gallagher to BOOST schools. Have you seen
22 this letter before?

1 A I'm not sure.

2 Q Do you remember being notified in 2017 that
3 the Boost program was going to review school handbooks
4 to determine compliance with the language in the non-
5 discrimination provision law?

6 A Yes. I'm just not sure I remember this
7 precise letter.

8 Q So prior to December 17, 2017, when Bethel got
9 this letter from Mr. Gallagher regarding the handbooks,
10 had you had any communications with anybody at the State
11 Board of Education or BOOST about Bethel's compliance
12 with the non-discrimination version in the law?

13 A It's hard to say precisely before this letter.
14 We were in the program in '17-'18. And so whatever
15 communication was involved in ordering books from the
16 nonpublic school program or administering what paperwork
17 was required for the BOOST program, we engaged in that.

18 Q Right. But I'm specifically asking about
19 communications that relate to the nondiscrimination
20 provision in the law. Do you recall any such
21 communications prior to December 19, 2017?

22 A Are you referring to a particular document

1 that I could see because I can't remember the chronology
2 of that specifically?

3 Q Right. I'm not referring to any documents.
4 I'm asking you whether Bethel has any recollection of
5 any communications prior to the date of this exhibit
6 about complying with the nondiscrimination provisions?

7 A I don't have any recollection other than what
8 was communicated via these letters.

9 Q Okay. So you don't have any recollection or
10 Bethel -- I'm asking you as a designee of Bethel,
11 whether Bethel has recollection of any verbal
12 communications about compliance with the
13 nondiscrimination provision prior to December 19, 2017?

14 A No. I do not.

15 MR. SCOTT: Let's go over to Exhibit 10.

16 VIDEOGRAPHER: Stand by.

17 Q Ms. Dant, Exhibit 10 is a letter dated
18 March 5, 2018, to you from Monica Kearns at the Maryland
19 State Department of Education. Have you seen this
20 before?

21 (EXHIBIT 10 MARKED FOR IDENTIFICATION)

22 A Yes.

1 Q Okay. And was this your first notice that the
2 administrators of the BOOST program had a concern about
3 language in Bethel's handbook?

4 A I don't know if it was the first notice or
5 not.

6 Q Do you recall any verbal communications from
7 anyone at the state about Bethel's handbook in the
8 non-discrimination version prior to this letter?

9 A Verbal communication?

10 Q Yes.

11 A Like -- like someone called me?

12 Q Right.

13 A No. I don't recall anyone calling me about
14 that.

15 Q Or you calling them or having a conversation
16 face to face?

17 A I may have made a phone call inquiring about
18 the status of our BOOST application at some point in --
19 when this was all happening, but most things were
20 probably via e-mail.

21 Q Okay. And what can you tell me about that one
22 phone call that you just mentioned?

1 A Well, like I say, I may have made a phone call
2 inquiring about the status of our application. So I --

3 Q So you --

4 A -- would have said, "What's the status of our
5 application?"

6 Q Okay. But you don't have a specific
7 recollection of that conversation?

8 A No. No.

9 Q And you don't -- and you don't know who it was
10 with?

11 A It was probably with Monica Kearns.

12 Q Are you sure of that?

13 A Probably.

14 Q You don't know for sure?

15 A No.

16 Q And you don't know --

17 A I know I had not spoke -- I -- I did not speak
18 to anyone else.

19 Q Okay. You did speak to Monica Kearns at some
20 point?

21 A I believe so.

22 Q Okay. But you don't know when?

1 A I don't recall.

2 Q And what, if anything, do you recall her
3 saying to you in this conversation?

4 A That decisions were being made and that she
5 did not -- they did not have an answer yet for me as to
6 our status.

7 Q Do you remember anything else that she said to
8 you in that conversation?

9 A Not specifically, no.

10 Q Okay. And that was the only conversation you
11 can recall having with her; is that right?

12 A That's correct.

13 Q And do you have any recollection of speaking
14 to anybody else at the state about BOOST other than
15 Ms. Kearns?

16 A No.

17 Q Do you know if anybody else at Bethel ever
18 talked to anybody else at the state about BOOST?

19 A No.

20 Q Okay. Going back to Exhibit 10, this letter
21 asked you to provide some additional information, in
22 fact, it requested a written response by March 14, 2018

1 on page 2, right?

2 MR. SCOTT: Go to page 2, please.

3 THE WITNESS: Can you make it a little larger?

4 Thank you. Okay. I'm sorry, what was your
5 question?

6 BY MR. SCOTT:

7 Q Ms. Kearns is asking you to provide a res -- a
8 written response by March 14, 2018, correct? First full
9 paragraph on page 2.

10 A Yeah. I have found it. Yes. I see that
11 request.

12 Q Okay. And did you personally prepare that
13 response?

14 A I did.

15 Q Did you consult with anybody in connection
16 with that response?

17 A I may have discussed it with Dr. Green.

18 Q Do you have a specific recollection of doing
19 that?

20 A No. I don't.

21 MR. SCOTT: Let's go to Exhibit 11, please.

22 (EXHIBIT 11 MARKED FOR IDENTIFICATION)

1 VIDEOGRAPHER: Stand by.

2 BY MR. SCOTT:

3 Q Ms. Dant, Exhibit 11 is an e-mail and an
4 attachment from you to Monica Kearns, dated
5 March 13, 2018; is that right?

6 A Yes.

7 Q And the attachment, which is page 3, this is
8 your response to Ms. Kearns' request for a response,
9 correct?

10 A Yes.

11 Q And you drafted this and signed it on the next
12 page; is that correct?

13 A I believe --

14 MR. SCOTT: Go to ne --

15 THE WITNESS: -- sir, you're not showing me the
16 -- you're not showing me the next page, so I can't
17 confirm that. Yes.

18 BY MR. SCOTT:

19 Q Okay. You can now see the second page,
20 correct?

21 A I see it now, yes.

22 Q All right. And that's your signature?

1 A Yes.

2 Q All right.

3 MR. SCOTT: Let's go to Exhibit 12, please.

4 (EXHIBIT 12 MARKED FOR IDENTIFICATION)

5 VIDEOGRAPHER: Stand by.

6 BY MR. SCOTT:

7 Q Okay. Exhibit 12, Ms. Dant, is an e-mail
8 chain between you and Monica Kearns. And on the first
9 page, about halfway down, you are ta -- you are asking
10 her about statements -- copies of statements that you
11 were planning to take to the board meeting -- the BOOST
12 board meeting. Do you see that?

13 A Yes.

14 Q All right. Did you attend that board meeting?

15 A No.

16 Q But at the time you wrote this -- these e-
17 mails, you were planning to go; is that right?

18 A Correct.

19 Q What -- is there -- was there a reason you
20 didn't go?

21 A I don't recall. Something must have come up.

22 Q All right. And again, the -- these e-mails

1 reflect, you know, you and Mo -- and Ms. Kearns
2 communicating back and forth about the BOOST program and
3 Bethel's application or desire to stay in the program,
4 but you don't recall any other -- you don't recall any
5 verbal communications you had with her other than what
6 you already described to me, correct?

7 A Correct.

8 MR. SCOTT: All right. Let's go to Exhibit 13.

9 (EXHIBIT 13 MARKED FOR IDENTIFICATION)

10 VIDEOGRAPHER: Stand by.

11 BY MR. SCOTT:

12 Q All right. So this Exhibit 13 is an e-mail
13 dated May 2, 2018, from you to Monica Kearns, correct?

14 A Correct.

15 Q And you're telling her that you're not going
16 to be able to make the meeting, correct?

17 A Correct.

18 Q And then you attach a copy of your statement
19 that you want the board to consider, correct?

20 A Correct.

21 Q Did you ever attend any BOOST board meetings?

22 A No. I did not.

1 MR. SCOTT: Let's go to Exhibit 14, please.

2 (EXHIBIT 14 MARKED FOR IDENTIFICATION)

3 VIDEOGRAPHER: Stand by.

4 BY MR. SCOTT:

5 Q Exhibit 14, is this the statement that you
6 asked Monica Kearns to submit to the board in May of
7 2018?

8 A Yes. It is.

9 MR. SCOTT: Let's go to Exhibit 15.

10 (EXHIBIT 15 MARKED FOR IDENTIFICATION)

11 VIDEOGRAPHER: Stand by.

12 BY MR. SCOTT:

13 Q Exhibit 15 is a letter to you from Monica
14 Kearns dated May 25, 2018 asking you to answer a couple
15 of questions from the BOOST board, correct?

16 A Correct.

17 Q You received this letter?

18 A Yes.

19 MR. SCOTT: Let's go to Exhibit 16.

20 (EXHIBIT 16 MARKED FOR IDENTIFICATION)

21 VIDEOGRAPHER: Stand by.

22 BY MR. SCOTT:

1 Q Okay. Exhibit 16 is a letter dated
2 May 29, 2018, from you to Monica Kearns and the BOOST
3 board; is that right?

4 A Yes.

5 Q And you wrote this letter?

6 A Yes.

7 Q And you sent it to Ms. Kearns, correct?

8 A Correct.

9 Q And this accurately describes Bethel's
10 position with respect to questions numb -- questions
11 numbers 1 and 2 that Ms. Kearns asked you in Exhibit 15,
12 correct?

13 A Correct.

14 MR. SCOTT: Let's go to Exhibit 17.

15 (EXHIBIT 17 MARKED FOR IDENTIFICATION)

16 VIDEOGRAPHER: Stand by.

17 BY MR. SCOTT:

18 Q This is a letter -- Exhibit 17 is a letter
19 dated August 8, 2018, from Matt Gallagher to you. Have
20 you seen this before?

21 A Yes.

22 Q Okay. And you received this letter?

1 A Yes.

2 Q Going back to Exhibit 16. Did you draft this
3 letter yourself, Exhibit 16?

4 A Yes.

5 Q Did anybody else participate?

6 A Not that I recall.

7 MR. SCOTT: Let's go to Exhibit 20.

8 VIDEOGRAPHER: Stand by.

9 MR. SCOTT: That's not the right exhibit. Let's
10 try 19. Let's try 18. No. Okay.

11 MR. TUCKER: Rob, do you want to take a lunch
12 break?

13 MR. SCOTT: Yeah. Why don't we do that? Yeah.
14 I've got a issue with my exhibits, so yeah. Why
15 don't we do that? A half an hour?

16 MR. TUCKER: Yeah. That works. How mu -- how
17 long do you think you've got?

18 MR. SCOTT: I don't know. Probably an hour.

19 MR. TUCKER: Okay. All right. Well, we'll
20 come back about 30 minutes.

21 MR. SCOTT: Okay. Thanks.

22 MR. TUCKER: Thank you, guys.

1 COURT REPORTER: Thank you.

2 VIDEOGRAPHER: If we're off the record.

3 COURT REPORTER: We are off the record.

4 (OFF THE RECORD)

5 COURT REPORTER: We're on the record.

6 MR. SCOTT: Good afternoon. We're back from
7 lunch break. Can we call up Exhibit 6, please?

8 (EXHIBIT 6 MARKED FOR IDENTIFICATION)

9 VIDEOGRAPHER: Stand by.

10 BY MR. SCOTT:

11 Q Thank you. Ms. Dant, I've had marked as
12 Exhibit 6 to your deposition a multi-page document that
13 I received from your attorneys related to discipline of
14 certain students. Can you tell me what this is?

15 A It's a printout of a report regarding student
16 behavior.

17 Q Did you print this out?

18 A My assistant did.

19 Q And what parameters were used to print this
20 out?

21 A She had date parameters.

22 Q Any others?

1 A No.

2 Q So what does this reflect?

3 A Students who had disciplinary action taken.

4 Q From January 2015 until, looks like, 2018; is
5 that right?

6 A I believe so.

7 Q Have there been any additional disciplinary
8 actions taken against students since April of 2018?

9 A I suppose that's possible.

10 Q Do you know?

11 A Not off the top of my head. These were the
12 date parameters we were given.

13 Q Okay. What were the date parameters that you
14 were given?

15 A I don't remember precisely other than what you
16 just said, 2015 to 2018.

17 Q Okay. And is this -- this is a computer
18 database -- this document was printed from a computer
19 database; is that right?

20 A That's correct.

21 Q And how is the information put into the
22 database, who does that?

1 A It can be put in by an administrator. If it's
2 simply classroom talking, it can be put in by a teacher.

3 Q Okay. And there's a column here where it
4 says, "Staff." Or across the top, you'll see multiple
5 headings, there's one that says, "Staff," and then
6 there's names under there including your name for a
7 number of these. Is that -- are those names under the
8 staff heading, the people who input the data into the
9 database?

10 A Yes.

11 Q And there's a column at the end called,
12 "Demerits." Do you see that?

13 A Yes.

14 Q What is that?

15 A It's just a database's designation of an
16 incident.

17 Q What are the numbers mean? De -- what do the
18 demerits mean?

19 A It doesn't really mean anything. It's the way
20 the database tracks when you input something.

21 Q Okay. Does this -- how far back does this
22 database go?

1 A Oh, my. I don't know that precisely either.
2 At some point, we switched from one school management
3 system to another, and I don't know the precise date
4 when that occurred.

5 Q Does this document reflect every disciplinary
6 action that was taken between -- against a student
7 between January of 2015 and April 2018?

8 A I believe so. That were the parameters we
9 used to pull it.

10 MR. SCOTT: Let me -- can you pull up Exhibit
11 6A, please?

12 (EXHIBIT 6A MARKED FOR IDENTIFICATION)

13 VIDEOGRAPHER: Stand by.

14 BY MR. SCOTT:

15 Q Exhibit 6A is a document that I received the
16 other day from your attorneys. Can you tell me what
17 this is?

18 A It is a behavior report.

19 Q Dated April 13, 2018; is that correct?

20 A Yes.

21 Q Okay. And where did this document come from?

22 A It was pulled from the same database.

1 Q So what's the difference between this document
2 and the document that we looked at just a few minutes
3 ago, Exhibit 6 which had multiple entries?

4 A It only has one entry, so it looks different.

5 Q Is -- the substance is also different though,
6 isn't it?

7 A It's in a different format. This -- the
8 content is the same information.

9 Q Well, the description on Exhibit 6A of the
10 incident is different from the description on Exhibit 6.
11 It's more detailed, would you agree?

12 A I would have to compare them.

13 MR. SCOTT: Let's go back to Exhibit --

14 THE WITNESS: Yeah.

15 MR. SCOTT: Let's go back to Exhibit 6, please.

16 Last page.

17 BY MR. SCOTT:

18 Q At the bottom, you'll see a description of the
19 April 13, 2018 incident. Do you see that?

20 A I do.

21 Q Okay. And then I'd ask you to now go back and
22 look at the description on 6A. You would agree that it

1 has more detail, 6A, correct?

2 A It's a different -- it's a different entry.
3 It's not the same entry with different information.

4 Q Okay. When you say it's -- I don't understand
5 what you mean. Is it -- is Exhibit 6A and Exhibit 6,
6 does the -- did they -- were they printed from the same
7 database?

8 A They were, but the incidences although at
9 first look, appear to be the same incident are the same
10 incident for two different students.

11 Q Okay. So there were two students involved in
12 this incident; is that correct?

13 A Yes.

14 Q Okay. So why does the incident report on 6A
15 not appear on 6?

16 A I'm not sure. I could speculate that when it
17 was pulled, it was perceived to be the same thing twice.

18 Q But it's not, it's actually description with
19 respect to two different students, is that what you're
20 saying?

21 A Correct.

22 Q And both of these students were suspended; is

1 that right?

2 A Correct.

3 Q And that was because they were engaging in
4 inappropriate behavior, correct?

5 A Correct.

6 Q Which was what?

7 A Hugging in the stairwell.

8 Q And that's prohibited by the --

9 A Yes.

10 Q -- handbook?

11 A Yes.

12 Q It's prohibited by the handbook, correct?

13 A Correct.

14 Q Okay. Did you or anybody else at Bethel ever
15 speak to Matt Gallagher about whether Bethel's policies
16 violated the BOOST non-discrimination provisions?

17 A No.

18 Q Did you or anyone else at Bethel ever just
19 speak to Matt Gallagher about anything that you know of?

20 A No.

21 Q What about the other board members? Did you
22 or anybody else at Bethel ever speak to any other

1 members of the BOOST Advisory Board?

2 A No. Unless Monica Kearns falls in that
3 number.

4 Q She does not.

5 A Then, no.

6 Q Okay. Does Bethel Christian Academy have
7 guidance counselors?

8 A Have what? I'm sorry.

9 Q Guidance counselors.

10 A No. We do not.

11 Q What about social workers?

12 A No.

13 Q If a student were having problems -- behavior
14 problems, or coping problems, is there anybody at the
15 school that would be available to help the student?

16 A We would generally direct them to their
17 parents.

18 Q Okay. So there's nobody at the school who's
19 designated to provide counseling services to students;
20 is that right?

21 A That's correct.

22 MR. SCOTT: Can we call up Exhibit 20A, please?

1 (EXHIBIT 20A MARKED FOR IDENTIFICATION)

2 VIDEOGRAPHER: Stand by.

3 MR. SCOTT: Okay.

4 VIDEOGRAPHER: Actually, it's right here.

5 MR. SCOTT: Yes. Success.

6 BY MR. SCOTT:

7 Q Okay. Exhibit 20A is a letter to you dated
8 February 28, 2019, from Donna Gunning at the Maryland
9 State Board of Educa -- Department of Education. Have
10 you seen this before?

11 A Can you scroll down? It looks familiar.

12 Q Okay. In paragraph 2 on the first page,
13 Ms. Gunning is telling you that to the extent that
14 Christian Aca -- Bethel Christian Academy decides to
15 revise the language in its student handbook, that the
16 board has restored eligibility of some schools for the
17 BOOST program on that basis. Did you ever revi -- or
18 did Bethel ever revise its handbook language in an
19 attempt to regain eligibility for BOOST?

20 A No.

21 Q Why not?

22 A We were satisfied with our language,

1 expressing our beliefs.

2 Q Were there any discussions that you had with
3 anybody about whether you should consider revising the
4 handbook in order to get back into the program?

5 A Not that I recall.

6 Q So it was your decision alone to not revise
7 the handbook in an attempt to try to get back into the
8 program; is that right?

9 A There was no discussion regarding it.

10 Q And you made that decision, right?

11 A I suppose, since I'm responsible for the
12 handbook and I didn't revise it, yes.

13 Q Did you have any communications with anybody
14 at the state about what type of revisions might be
15 necessary in order to come into compliance?

16 A I did seek some information regarding what
17 this letter meant in regard to that.

18 Q And did you receive that information?

19 A I did.

20 Q Okay. And what did you do with it?

21 A Put it in the file.

22 Q Did you read it first?

1 A I believe I may have scanned it.

2 Q And this is information that you had requested
3 from the state?

4 A Yes.

5 Q And what was your conclusion upon scanning it,
6 if any?

7 A I didn't know that I came up with a
8 conclusion. It was just information gathering.

9 Q And what was the purpose of the information
10 gathering?

11 A Seeking to understand what was happening with
12 the requirements.

13 Q And this was in 2019?

14 A Apparently so.

15 Q And this -- so this would have been after the
16 board had ruled that Bethel was no longer eligible to
17 participate in BOOST, right?

18 A Correct.

19 Q And so you were --

20 MR. SCOTT: Well, let me -- let's call up
21 Exhibit 19, please.

22 Q Okay. This is an e-mail chain between you and

1 Donna Gunning at the Maryland State Board of Education,
2 and she's sending you information about revisions that
3 other schools have made to their handbooks in an attempt
4 to get back into BOOST, right?

5 (EXHIBIT 19 MARKED FOR IDENTIFICATION)

6 A Correct.

7 Q And you -- she sent that to you, and you
8 thanked her for that, correct?

9 A Sure. Yes.

10 Q And you said you would review it right away,
11 right?

12 A Yeah.

13 Q Okay. But you decided not to make any
14 revisions or -- to the handbook, correct?

15 A Correct.

16 Q Even though you knew that other schools had
17 revised their handbooks and had been re-admitted to the
18 program, correct?

19 A Correct.

20 Q And just to confirm, you don't have any
21 specific recollections of any verbal communications you
22 had with Donna Gunning; is that right?

1 A I don't.

2 Q There came a point when the State revi -- the
3 legislature, the Maryland legislature, revised the BOOST
4 law to change the language concerning discrimination in
5 2019. Are you -- is -- was Bethel aware of that?

6 A I was aware at some point. I can't speak to
7 exactly when I became aware.

8 Q And what was Bethel's understanding of what
9 the change was?

10 A That they had added gender identity to the
11 statement.

12 Q Anything else?

13 A Not particularly.

14 Q And then after that, in 2020, Bethel decided
15 to apply to this -- to the State for the Aid to
16 Non-Public Schools program, correct?

17 A Correct.

18 Q And that was -- and you -- and Bethel did that
19 even though it knew that the law now prohibited not only
20 discrimination based on sexual orientation but also
21 gender identity, correct?

22 A Yes.

1 Q Why did Bethel reapply in 2020?

2 A Because we had been told that we were not
3 qualified for the previous two years, and so that time
4 was up, and so we went ahead and reapplied.

5 Q And it was ultimately determined that your
6 application was not timely, correct?

7 A Was not what?

8 Q Timely. It was late?

9 A Yes. They had stated that because we were not
10 being notified anymore regarding when the deadlines were
11 or any of that, and so I was not completely sure when
12 the deadline was.

13 Q Prior to submitting this new application in
14 2020, did Bethel make any revisions to its handbook?

15 A We make revisions every year, so yes.

16 MR. SCOTT: Let's take a look at Exhibit 21,
17 please.

18 (EXHIBIT 21 MARKED FOR IDENTIFICATION)

19 VIDEOGRAPHER: Stand by.

20 MR. SCOTT: All right. Go to the second page,
21 please.

22 BY MR. SCOTT:

1 Q So this is a letter -- I'm on page 2 of
2 Exhibit 21 to your deposition, Ms. Dant. This is a
3 letter dated April 24, 2020 to you from Donna Gunning
4 advising that Bethel's application had been denied.
5 Attached to it, or as Appendix A, or a copy of the law,
6 and then Appendix B, Bethel's handbook for 2019, 2020.

7 MR. SCOTT: If we could go to page -- looks
8 like it's about page 10. Wait. Up -- up -- up --
9 up. Yeah. Right here.

10 BY MR. SCOTT:

11 Q So Ms. Gunning -- or excuse me, Ms. Dant, this
12 is a copy of Bethel's handbook from 2019, 2020, right?

13 A Correct.

14 MR. SCOTT: Okay. And let's go to page 7 of
15 that. No. Of the handbook. Keep going -- no, this
16 handbook. Just keep going. Page 7. Yeah. Keep
17 going. Four more pages.

18 VIDEOGRAPHER: That's it. That's the whole
19 document.

20 MR. SCOTT: That's it?

21 VIDEOGRAPHER: Yeah.

22 MR. SCOTT: Okay. We'll have to fix that. Hold

1 on. Why don't we take a two-minute break while I
2 call my office? I'll have them resend it.

3 COURT REPORTER: We are off the record.

4 (OFF THE RECORD)

5 COURT REPORTER: We're back on the record.

6 BY MR. SCOTT:

7 Q Okay. Ms. Dant, we're getting a corrected
8 copy of the exhibit which will be designated as Exhibit
9 21A, in which hopefully will include all the pages of
10 the 2019-2020 handbook.

11 (EXHIBIT 21A MARKED FOR IDENTIFICATION)

12 VIDEOGRAPHER: Sharing now.

13 Q So if we could go down to page 7 of the
14 handbook. Keep going. Keep going. There we go, 7 up.
15 Up one page. There we go. Okay. Ms. Dant, this is the
16 -- this is page 7 of the 2019-2020 Bethel handbook. And
17 I will direct your attention to the text that appears
18 under Statement of Nondiscrimination. Do you see that?

19 A Yes.

20 Q Okay. So I notice that there is no statement
21 here, unlike the earlier handbook that we looked at,
22 Exhibit 2 with respect to Bethel's view of marriage, in

1 between a cove -- being a covenant between one man and
2 one woman, correct?

3 A Correct.

4 Q Okay. Why was that language removed?

5 A It was relocated to another place, in the
6 handbook.

7 Q Why?

8 A We often relocate things and move them around
9 for greater clarity. It was --

10 Q I understand --

11 A -- never part of -- it was never part of the
12 admissions policy to begin with.

13 Q Okay. So you're saying it shouldn't have --
14 it shouldn't have been there in the first place?

15 A I'm saying, as I stated to you earlier, that
16 paragraph was not perceived by me to be part of the
17 admissions policy with a piece of conduct information.

18 Q Okay. And where was it moved to?

19 A The discipline conduct area.

20 Q Okay. Can you tell me -- can you show me
21 where that is?

22 A I was not looking at it to know what page is

1 stack in that discipline area where the --

2 Q It was --

3 A -- list of behavioral offenses maybe.

4 Q Page 35 of the handbook, perhaps. Is that
5 what you mean, that section?

6 A Yes. This area. Yeah.

7 Q And where is the language about the marriage?

8 A The marriage may not be there. It may have
9 just been -- it may have been separated out and put in
10 with the statement of faith. The expectation of student
11 conduct is below.

12 Q Right. So where is the statement of faith?

13 A At the front of the handbook.

14 Q Page 8. Is this what you mean? Page 8?

15 A Yes. Yes.

16 Q Okay. And where does the language about the
17 marriage appear in this section?

18 A It may not be exactly the same -- the same
19 wording. The statement was not just taken as a whole
20 and stuck somewhere else.

21 Q Okay.

22 A You'll notice if you look at number 5 in the

1 statement of faith.

2 Q Okay.

3 A That's a script of foundation for that.

4 Q Okay. And it also has language about
5 condemning a homosexual lifestyle, correct?

6 MR. TUCKER: Objection. Form.

7 A It states the scripture reference.

8 Q About condemning a homosexual lifestyle,
9 correct?

10 MR. TUCKER: Objection. Form.

11 A The statement in the handbook reads that way.

12 Q Okay. So let's go back to 35 -- page 35,
13 which is the conduct policy. And at the bottom, you
14 pointed out that there were some new language here. It
15 looks like -- it says that, "Any conduct that is in
16 violation of the school statement of faith will be
17 considered grounds for disciplinary action, including
18 the expectation that BCA students identify with, dress
19 in accordance with, and use facilities associated with
20 their biological gender," right?

21 A Yes.

22 Q Okay. And why was that added to the

1 disciplinary section of the handbook?

2 A Because it was a conduct statement, it was
3 simply moved from one place to the other.

4 MR. SCOTT: Let's look at Exhibit 22, please.

5 (EXHIBIT 22 MARKED FOR IDENTIFICATION)

6 VIDEOGRAPHER: Stand by.

7 BY MR. SCOTT:

8 Q Ms. Dant, Exhibit 22 is a document I received
9 from your attorney. It is a two-page document entitled
10 "Aid to Non-Public Schools Program Fiscal Year 2019 to
11 2020, Program Assurances." And then about appears to be
12 your signature on the second page; is that right?

13 A That's correct.

14 Q Okay. So this would have been something that
15 you signed and submitted in support of your -- of the
16 school's application in 20 -- for the 2019-2020 program,
17 correct?

18 A I always get confused with fiscal years and
19 school years.

20 Q I think this --

21 A It's for year 2020?

22 Q Yeah. And then in parenthesis it says "SY

1 2019-2020." Do you see that?

2 A Yes.

3 Q So I think that means school year. So --

4 A I think it -- I think it does.

5 Q Yes. So this was something that you signed
6 and submitted in support of Bethel's application for the
7 program for the 2019-2020 school year, correct?

8 A Yes.

9 Q All right. And item number 4 on the first
10 page says "the school does not discriminate in student
11 admissions, retention, or expulsion or otherwise
12 discriminate against any student on the basis of race,
13 color, national origin, sexual orientation, or gender
14 identity or expression," right?

15 A Right. It does say that.

16 Q Okay. And you signed it certifying that the
17 school complied with that, correct?

18 A Correct.

19 Q Okay. But that's not true, is it?

20 MR. TUCKER: Objection to form.

21 A What's not true?

22 Q That the school does not discriminate based on

1 gender identity or expression.

2 A That absolutely is true that we do not
3 discriminate.

4 Q Okay. But your handbook says that students
5 have to dress in accordance with and identify with their
6 biological gender. We just looked at --

7 A That one will apply to all students.

8 Q And if they don't, they can face discipline
9 including expulsion, correct?

10 A Any student that does not comply with our
11 behavioral expectations may be subject to school
12 discipline.

13 Q Well, let me ask you this. If a student
14 applied to Bethel for admission and met all the
15 requirements and was qualified, but said, "I don't
16 identify with my biological gender." Bethel wouldn't
17 admit that student, would they?

18 MR. TUCKER: Objection. Form.

19 A We would not have asked that question.

20 Q What if the student --

21 A That would not -- that does not matter to us,
22 as long as they met our academic requirements.

1 Q So even if they tell you, "I'm not -- I don't
2 identify with my biological gender," you would admit
3 that student, if they met all other qualifications. Is
4 that your testimony?

5 A It's not in part of our enrollment policy to
6 ask. If they meet our requirements, we would accept
7 them.

8 Q Even if they voluntarily tell you that they
9 don't identify with their biological gender?

10 A It would not matter to us. If they meet our
11 requirements they are welcome to come.

12 Q What if they -- what if the students say that,
13 "when I get there, I'm not going to dress in accordance
14 with my biological gender"?

15 A We've never had that situation.

16 Q What if you did?

17 A I will question why they would want to come to
18 our school if they've already determined they're not
19 going to.

20 Q Would you admit them?

21 MR. TUCKER: Objection. Form. Asked and
22 answered. Speculation.

1 Q You can answer.

2 A When we're talking to students, we are looking
3 to make sure that there is clear understanding of what
4 we are requiring in regards to our students.
5 Behaviorally and academically. That would be made clear
6 to the student.

7 Q Yeah. I appreciate what you're saying,
8 Ms. Dant, but that's not what I asked you. And I mean,
9 this case is about a law that says, "If you're going to
10 participate in this program, you can't discriminate
11 against people based on gender, identity, or
12 expression." And I'm asking you, as the lawyer who is
13 defending a lawsuit brought by Bethel, whether or not
14 Bethel would admit a student who said, "I'm otherwise
15 qualified, I meet all your qualifications. But I do not
16 plan to dress in accordance with my biological gender
17 when I attend your school." And my question to you, and
18 I think the Court would want to know the answer to this
19 is, is would you admit that student or not?

20 MR. TUCKER: Objection. Form. Asked and
21 answered. Mischaracterization. Speculation.

22 A And I'm saying we would have a conversation.

1 We would make our expectations clear and we would accept
2 a student who is qualified and desires to come to our
3 school. They would be welcome.

4 Q Even if they tell you they're not going to je
5 -- dress in accordance with the biological gender?

6 MR. TUCKER: Objection. Form. Same -- we've
7 asked the same question about ten different times,
8 Rob. She's already answered the question.

9 MR. SCOTT: I disagree, Counsel, and I think
10 the court would disagree as well. All right. We'll
11 move on to another subject. Let's talk about the
12 complaint, which is Exhibit 7.

13 (EXHIBIT 7 MARKED FOR IDENTIFICATION)

14 VIDEOGRAPHER: Stand by.

15 BY MR. SCOTT:

16 Q All right. Exhibit 7, Ms. Dant is a copy of
17 the complaint that was filed in this case. And I want
18 to direct your attention to paragraph 189, which is on
19 page 23. Did you see that? You can blow it up a bit so
20 she can read it.

21 A Blow it up a tiny bit, please. Thank you.

22 Q All right. It says -- it alleges in paragraph

1 189 that "Defendants' made statements disparaging the --
2 that Bethel's religious beliefs regarding marriage and
3 biological sex." My question to you is, which of the
4 defendants made those statements?

5 A I did not personally hear those statements
6 made.

7 Q Okay. Well, I'm asking you as the designee of
8 Bethel Chris -- the plaintiff in this case. So I'm
9 asking you what information Bethel has concerning these
10 alleged statements that the complaint says "The
11 Defendants' made disparaging Bethel's religious
12 beliefs."

13 A I believe that you have provided to my
14 attorney statements made by the defendants upon which
15 these things are -- these allegation of disparaging
16 statements is based.

17 Q And what are those statements and who made
18 them?

19 A I believe they may have been made by
20 Mr. Gallagher.

21 Q Okay. What did he say --

22 A I don't know -- I don't know precisely what

1 the statements may have been.

2 Q Okay. So you believe Mr. Gallagher made
3 statements, but you don't know what they were; is that
4 right?

5 A I believe that your def -- your client gave us
6 documentation indicating these things.

7 Q Okay. Well, I'm asking you what doc -- what
8 statements were made and I'm asking you what Bethel
9 knows about that, not what documents we gave you?

10 MR. TUCKER: Objection. Form.

11 A As I said, I did not hear the statements made.
12 The documents that were provided to us by the Defendants
13 indicate that Mr. Gallagher had statements that he made
14 regarding Bethel and our beliefs. I don't know the
15 precise statement.

16 Q So you don't know what he said; is that right?

17 MR. TUCKER: Objection. Form.

18 A I don't -- I don't have a quote of what he
19 exactly said, no.

20 Q Okay. Did any of the other defendants make
21 any statements disparaging Bethel's religious --

22 A I'm not sure.

1 MR. TUCKER: Objection. Again, calls for legal
2 conclusion.

3 MR. SCOTT: It's an allegation in the
4 complaint. I'm asking which defendants --

5 A Documentation -- supported by documentation
6 provided by the defendant.

7 BY MR. SCOTT:

8 Q What documentation are you referring to?

9 A I don't know the precise name of which
10 document.

11 Q Okay. Well, my question --

12 A I believe there were a number of documents
13 provided to us, as we provided a number of documents.

14 Q My question is what -- other than -- you
15 mentioned, Mr. Gallagher. My question is, what other
16 defendants, if any, did -- does Bethel claim made
17 disparaging statements about Bethel's religious beliefs?

18 A I do not know.

19 Q Okay. Did any state employee that you were
20 aware of ever make any statements disparaging Bethel's
21 religious beliefs?

22 A Not to me.

1 Q To Bethel?

2 A Not to Bethel.

3 Q To anyone that Bethel was aware of?

4 A Not that I'm aware of.

5 Q And just speak -- just so the record is clear,
6 I'm asking you as the designee of Bethel.

7 A I understand.

8 Q Okay. Does Bethel believe that it meets all
9 of the eligibility requirements for the BOOST program?

10 A Yes.

11 Q Let me ask you to look at paragraph 158 of the
12 complaint. It says, "Aside from the gender identity
13 nondiscrimination provision, Bethel meets the
14 eligibility requirements for reinstatement in BOOST." Do
15 you see that?

16 A Yes.

17 Q Okay. Why does it say "aside from the gender
18 identity nondiscrimination provision"?

19 MR. TUCKER: Objection. Form.

20 Q Doesn't that mean that Bethel doesn't meet --
21 doesn't meet the gender identity nondiscrimination
22 requirement?

1 A No idea --

2 MR. TUCKER: Objection. Form.

3 A I think it means that's what being determined
4 at this time, that's what's in contention.

5 Q So its Bethel's position that it meets the
6 gender identity nondiscrimination provision?

7 A Yes.

8 MR. SCOTT: Okay. Let's go to Exhibit 23.

9 (EXHIBIT 23 MARKED FOR IDENTIFICATION)

10 VIDEOGRAPHER: Stand by.

11 BY MR. SCOTT:

12 Q Ms. Dant, I've had it marked as Exhibit 23
13 copy of a declaration that you signed in this case back
14 in October of 2019. Did you sign this document? Can
15 you go to the last page, please?

16 A Yes, sir.

17 Q Okay. Let me direct your attention to page 3,
18 paragraph 15. It says here, "Based on its religious
19 beliefs, Bethel also requires all students to identify
20 with their biological sex, adhere to the dress code of
21 their biological sex, and use the private facilities of
22 their biological sex." Do you see that?

1 A I do.

2 Q Okay. And that was true when you signed this
3 declaration back in 2019, right?

4 A That's true.

5 Q And it's true today, right?

6 A Yes.

7 Q Other than the decision of the BOOST Advisory
8 Board to disqualify -- well -- strike that. Let me ask
9 you this. What evidence does Bethel have to support its
10 allegation that the defendants in this case are hostile
11 towards the beliefs -- the religious beliefs of Bethel?

12 MR. TUCKER: Objection to form.

13 A The fact that that's the only reason that they
14 stated for removing us from the program.

15 Q Okay. Anything else? Is there any other --
16 are there any other statements that anybody made that
17 support Bethel's assertion that the board was hostile
18 towards Bethel's religious beliefs?

19 A Could you restate that question, please?

20 Q Yeah. The complaint alleges that Maryland
21 officials, including the defendants, allowed their
22 hostility towards Bethel's religious beliefs to override

1 the program's own requirements. And my question to you
2 is, what's your basis for -- what's Bethel's basis for
3 that assertion?

4 A Okay.

5 MR. TUCKER: Objection. Form.

6 A And as I stated, the fact that they removed us
7 from the program because of the language in our handbook
8 is the basis for that.

9 Q Is there anything else, any other statements
10 or evidence or documents or anything else that supports
11 that assertion?

12 MR. TUCKER: Objection. Form. Asked and
13 answered.

14 A Other than what you already mentioned
15 regarding Mr. Gallagher's statements about our school,
16 no.

17 Q Okay. And again, you don't remember -- you
18 don't know what exactly -- you don't know what Mr.
19 Gallagher said?

20 A I was not there.

21 Q Okay. Does Bethel have any evidence that any
22 members of the BOOST board had any ill will or animus

1 toward Bethel based on Bethel's religious beliefs?

2 MR. TUCKER: Objection. Form.

3 A Other than removing us from the program
4 because of our beliefs? No.

5 Q Does evidence -- does Bethel have any evidence
6 that anybody with the Maryland State Government has any
7 ill will or animus toward Bethel based on Bethel's
8 religious beliefs?

9 MR. TUCKER: Objection to form.

10 A Other than that decision that they made
11 against us, no.

12 Q And by decision they made against us, you mean
13 to disqualify Bethel from the BOOST program, correct?

14 A Correct.

15 Q Does Bethel believe that the BOOST board
16 treated Bethel differently than other schools that had
17 their handbooks reviewed for compliance with the
18 non-discrimination provision in the BOOST board?

19 A Yes.

20 Q Okay. And what's the basis for that belief?

21 A The fact that it was communicated that other
22 schools had been accepted into the program who have

1 similar beliefs -- similar beliefs that we have, and yet
2 we were not accepted into the program.

3 Q Okay. And what other schools are you
4 referring to?

5 A I can't remember a long list of them. I
6 believe that they were also listed somewhere in all of
7 this documentation. I can't remember which ones were in
8 or out. Broadfording Academy. I don't remember if
9 they're in or out, but there were a number of schools
10 mentioned that were in and we were out.

11 Q Okay. But you can't identify any of those
12 schools right now?

13 A I would have to see a list of them.

14 Q Do you believe such a list exists?

15 A I do.

16 Q Okay. And have you seen it?

17 A Yes.

18 Q Okay. And --

19 A It's in -- it's in this massive amount of
20 documentation.

21 Q And what does it say?

22 A It basically says that Bethel Christian

1 Academy was deemed to be ineligible, and then it lists
2 other schools that were deemed to be eligible.

3 Q Okay. But you don't know what those other
4 schools are?

5 A Not off the top of my head.

6 Q Do you know what their handbooks say or said
7 at the time that they were considered?

8 A No. Not precisely. In fact that I probably
9 had not read them.

10 Q Okay. So you don't know what other schools
11 were allowed to continue to participate in what other
12 students -- what other schools were declared ineligible
13 and you don't know what their handbooks said, correct?

14 MR. TUCKER: Objection to form --

15 A I cannot give you a list of them. No.

16 Q And you don't know what their handbooks say,
17 correct?

18 A I do not. I believe it is in the
19 documentation.

20 Q So then why do you believe Bethel was treated
21 differently than these other schools?

22 A I don't know.

1 Q Does Bethel have any evidence that the BOOST
2 board applied different standards to Bethel and applied
3 to other religious schools when the board was deciding
4 whether schools policies were in compliance with the
5 BOOST's non-laws, non-discrimination provision?

6 MR. TUCKER: Objection. Form. Compound.
7 Vague. Calls for legal conclusion.

8 A I don't know the - I, personally, doesn't have
9 any evidence other than the fact that some schools were
10 in and my school was out.

11 Q Anything else?

12 MR. TUCKER: Same objection.

13 A No.

14 MR. SCOTT: All right. Why don't we just take
15 a short break. I think I'm almost finished. I just
16 want to go over my notes here and clean up any last
17 minute things. So lets take a five-minute break,
18 please.

19 MR. TUCKER: Okay.

20 COURT REPORTER: We are off the record.

21 (OFF THE RECORD)

22 COURT REPORTER: We are back on the record.

1 BY MR. SCOTT:

2 Q Okay. Thanks. So Ms. Dant, let's go back to
3 your declaration, which was Exhibit 23. I want to ask
4 you about paragraph 41. It says here that "An
5 additional 20 prospective students inquired about
6 attending Bethel and the financial aid available, but
7 were unable to join Bethel for the 2019-2020 school year
8 due to lack of student financial aid, including BOOST
9 funding." Do you see that?

10 A I do.

11 Q Okay. Do you know who -- do you know who
12 those students are, those prospective students?

13 A I could not list their names to you. We did
14 look -- we did look up how many inquiry had mentioned
15 financial aid as a concern.

16 Q And where did you look for that information?

17 A It's in the part of the online application
18 includes an online inquiry.

19 Q Okay. So somebody can go online and make an
20 inquiry, is that what you're saying?

21 A Yes.

22 Q And so you looked for those that checked --

1 that asked for information about financial aid; is that
2 right?

3 A Yes.

4 Q And so if a prospective student made an
5 inquiry, and included a request for information about
6 financial aid, you included them in this number of 20
7 prospective students?

8 A Yes.

9 Q Okay. Did you ever talk to any of these
10 prospective students about what type of financial aid
11 they were interested in?

12 A Yes. Certainly.

13 Q Okay. And did any of them mention BOOST?

14 A Yes.

15 Q Okay. How many?

16 A At least two.

17 Q Two of the 20?

18 A At least.

19 Q Okay. Do you know the -- do you remember
20 their names?

21 A They are in some of the documentation we
22 provided to you. I believe (confidential) and

1 (confidential).

2 Q Okay. Any other?

3 MR. TUCKER: Robert, I know we've got to -- I
4 know we've got to enter into the protective order,
5 which will -- we can talk about later but just for
6 purposes of clarity, we probably want to mark those
7 two names confidential to protect their disclosure.

8 MR. SCOTT: I don't have any problem with that.
9 I do think we should get the order filed.

10 MR. TUCKER: Yeah.

11 BY MR. SCOTT:

12 Q Ms. Dant, you so you said at least two. Can
13 you recall any other names?

14 A No. I cannot.

15 Q And then the next paragraph says, this is 42,
16 "At least one other Bethel student will be forced to
17 leave our school next year unless Bethel is it
18 readmitted to BOOST." Do you see that?

19 A Yes.

20 Q Okay. Do you know who that student is?

21 A I do.

22 Q Who is it?

1 A I believe I do.

2 Q Who is it?

3 A That -- that name has not been provided to
4 you. I'm not sure how to handle that.

5 Q Okay. Well, I think the information is
6 relevant and I'm asking for it now.

7 MR. TUCKER: I'll just say is -- Robert, if you
8 don't mind, is this a current student?

9 THE WITNESS: She's is no longer a current
10 student.

11 MR. TUCKER: She's no longer at Bethel?

12 THE WITNESS: Right.

13 MR. TUCKER: Robert, as long as we can agree to
14 protect subject again to a confidentiality order,
15 which I'm sure we're going to be agreeing to, I'm
16 okay with her answering that question.

17 MR. SCOTT: Okay. Thank you.

18 THE WITNESS: Okay. (confidential).

19 BY MR. SCOTT:

20 Q Can you spell that?

21 A (Confidential).

22 Q Okay. Okay. And you're saying she's no

1 longer a student at Bethel?

2 A Correct.

3 Q And I take it from this statement in the
4 affidavit that she told you, or her parents told you,
5 that she wouldn't be able to -- the reason she couldn't
6 stay was because BOOST -- because Bethel was no longer
7 participating in brute -- BOOST?

8 A Correct.

9 Q Okay. Did her parents tell you that?

10 A Yes.

11 Q Okay. And what were her parents -- what are
12 her parents' names?

13 A Diana Turner. She only has a mom.

14 Q Okay. Thanks. So I have a couple of
15 questions now that I'm going to ask you. Not in your
16 capacity as a designee. So I know, we had agreed that
17 we are going to do this both on the same day, so I just
18 want to make clear that what I'm asking you about now is
19 not your capacity as designee.

20 MR. SCOTT: Exhibit 26. Can we put that up?

21 (EXHIBIT 26 MARKED FOR IDENTIFICATION)

22 VIDEOGRAPHER: Stand by.

1 MR. TUCKER: Just for clarity. I think some
2 were probably asked earlier in her individual
3 capacity, but it may not make a difference. We can
4 talk about that later if we need to.

5 BY MR. SCOTT:

6 Q Exhibit 26. Yes. Okay. So this is a
7 document that was produced by your attorneys in this
8 case and it appears to be a letter that you wrote to the
9 Washington Post; is that right?

10 A Yes.

11 Q Okay. And you wrote this and submitted for
12 publication in the Post?

13 A Yes.

14 MR. SCOTT: Okay. Exhibit 27.

15 (EXHIBIT 27 MARKED FOR IDENTIFICATION)

16 VIDEOGRAPHER: Stand by.

17 BY MR. SCOTT:

18 Q This is another document that was produced in
19 discovery in this case, although it doesn't look like I
20 got this one from your attorneys. This appears to be a
21 letter that you wrote to the Baltimore Sun; is that
22 right?

1 A Can you scroll up?

2 Q If you go to the first page.

3 A Yes. I believe so.

4 Q It says Baltimore Sun, when you look at the
5 web address. It says Baltimore Sun there.

6 A Yes. I believe I wrote a letter to the
7 editor.

8 MR. SCOTT: Okay. Exhibit 28.

9 (EXHIBIT 28 MARKED FOR IDENTIFICATION)

10 VIDEOGRAPHER: Stand by.

11 BY MR. SCOTT:

12 Q This is an e-mail that you sent to somebody
13 whose name is blacked out. Actually, I'm sorry,
14 somebody sent this e-mail to you; is that right?

15 A Yes. It appears that it was sent to me.

16 Q Okay. And then below the -- that, there is an
17 e-mail that you sent looks like to a group of people,
18 BCA Families, about the lawsuit, right?

19 A Yes.

20 Q Okay. And then the last page of this is, it
21 looks like a press release from the Alliance Defending
22 Freedom?

1 A Yes.

2 Q To the family's students at the school.

3 MR. TUCKER: Rob -- Rob we just -- Rob, I'm
4 sorry, we lost you.

5 MR. SCOTT: Okay. Like how far back?

6 MR. TUCKER: Find out about -- we pro -- I
7 would just restart this last question. We didn't
8 pick it up.

9 BY MR. SCOTT:

10 Q So my question is, is that the last page of
11 this -- well, the question was this female that she sent
12 to the BCA Families forwarded the press release from the
13 Alliance Defending Freedom, which is the last page of
14 this exhibit; is that correct?

15 A Yes.

16 Q Okay. And we -- this asserts -- this press
17 release asserts that Bethel fully complied with the
18 voucher programs requirement that Maryland targeted it
19 because of its religious views. And I asked you earlier
20 about what evidence Bethel had to support its assertion
21 that Maryland had targeted it, or was hostile towards it
22 based on its religious views. And you testified that

1 you were relying only on the decision that was made to
2 disqualify Bethel from the program, correct?

3 MR. TUCKER: Objection to form.

4 Mischaracterizes the evidence.

5 A Yes. I testified that I was relying on the
6 fact that we were excluded from the program because of
7 our handbook language stating our religious beliefs.

8 Q Right. Is there any other evidence that you
9 are aware of that Maryland state officials targeted
10 Bethel because of its religious views other than what
11 you just said?

12 A And the fact that other schools were accepted
13 into the program --

14 Q Right. But you don't know --

15 A -- having changed -- having changed their
16 language.

17 Q Right. But you don't know what those schools
18 are or what their handbooks said, right?

19 A It's in the documentation, but no, I don't
20 know them.

21 MR. SCOTT: Okay. All right. I don't have any
22 other questions at this time. Thank you for your

1 time today, Ms. Dant and --

2 THE WITNESS: You're welcome.

3 MR. SCOTT: -- have a good day.

4 MR. TUCKER: I --

5 MR. SCOTT: Go ahead.

6 MR. TUCKER: I just had -- I just had a few
7 questions, Rob.

8 MR. SCOTT: Okay.

9 MR. TUCKER: For the witness. And Adam, I
10 don't know if you can bring it up, but I think it
11 was Exhibit 5. I'm trying to look at my notes here.

12 VIDEOGRAPHER: Stand by.

13 MR. TUCKER: Is it possible to bring up Exhibit
14 5?

15 VIDEOGRAPHER: Yeah. Give me one second.

16 MR. TUCKER: Yes. That's it.

17 CROSS EXAMINATION

18 BY MR. TUCKER:

19 Q Ms. Dant, looking at Exhibit 5, do you see on
20 the left side there where it says "status"?

21 A Yes.

22 Q And then it says "rejected" in the column, I

1 guess right next to it?

2 A Yes.

3 Q What does rejected mean?

4 A Rejected could mean that a student did not --
5 their application did not meet our requirements or that
6 the application was incomplete.

7 Q Okay. That's all I have for that particular
8 exhibit. I do have a few more questions. Ms. Dant, you
9 said that all students who pass the entrance exam are
10 welcome at Bethel; is that correct?

11 A Yes.

12 Q Mr. Scott asked you about whether Bethel would
13 admit homosexual children. Do you remember that
14 discussion?

15 A I do.

16 Q And I believe you emphasize that you admit any
17 and all qualified students; is that correct?

18 A That is correct.

19 Q Is that without respect to sexual attractions,
20 orientation, or gender identity?

21 A Without respect to those things, yes.

22 Q Does Bethel ask about sexual orientation

1 during its admissions process?

2 A No. We do not.

3 Q Does Bethel ask about student generated --
4 gender identity during its admissions process?

5 A No. We do not.

6 Q Do students' sexual orientation or gender
7 identity relevant to Bethel's admissions process?

8 A No. It is not relevant.

9 Q Has Bethel ever asked about a student's sexual
10 orientation or gender identity in the admissions process
11 or at any point at all?

12 A No.

13 MR. TUCKER: That's all I have.

14 THE WITNESS: Okay.

15 MR. TUCKER: I don't have anything.

16 MR. SCOTT: I don't have anything further, so I
17 believe we're finished.

18 COURT REPORTER: We are off the record.

19 (DEPOSITION CONCLUDED AT 2:44 P.M.)

20

21

22

CERTIFICATE OF REPORTER

I do hereby certify that the witness in the foregoing transcript was taken on the date, and at the time and place set out on the Stipulation page hereof, by me after first being duly sworn to testify the truth, the whole truth, and nothing but the truth; and that the said matter was recorded by me and then reduced to typewritten form under my direction, and constitutes a true record of the transcript as taken, all to the best of my skill and ability. I certify that I am not a relative or employee of either counsel and that I am in no way interested financially, directly or indirectly, in this action.



BROOKE ANDREW

COURT REPORTER/NOTARY

MY COMMISSION EXPIRES: 11/27/2021

SUBMITTED ON: 04/19/2021